

**Jean-Jacques Rousseau and ‘le hobbisme le plus parfait’:  
An historical and philosophical study of Rousseau’s engagement with  
Thomas Hobbes and Hobbism**

Submitted by Robin Andrew Douglass, to the University of Exeter as a thesis for the degree of  
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## Abstract

This thesis provides a comprehensive analysis of Jean-Jacques Rousseau's engagement with the political thought of Thomas Hobbes and Hobbism. This involves tracing Hobbes's French reception in the first half of the eighteenth century amongst authors with whom Rousseau was familiar, thereby elucidating the context in which he responded to Hobbesian ideas and arguments. When situated in this context, many of the difficulties in understanding Rousseau's engagement with Hobbes are overcome, and the deeply polemical character of the engagement is revealed. In particular, Rousseau's state of nature theory sought to collapse the prevalent bifurcation between Pufendorfian sociability and Hobbesian Epicureanism in order to show that Hobbes's natural law critics were in fact no better than Hobbes; a line of argument that Rousseau also pursued in the *Social Contract*. In addition, Rousseau's invocation of Hobbes was intended to support his republican critique of *doux commerce* theory, by revealing that the modern defenders of commercial society rested their theories on a Hobbesian picture of man's natural condition. This picture closely resembled the neo-Augustinian account of man's post-lapsarian state, and by rejecting this Augustinian-Hobbesian depiction of man Rousseau was able to offer a vision of a well-ordered republic for men who were yet to be corrupted by the onset of luxury and entrenched relations of inequality. In examining Rousseau's engagement not just with Hobbes, but also with natural law, republican and Augustinian contexts, an original interpretation of his political thought is advanced throughout the thesis. This interpretation stresses the importance and interplay of three themes, the problematical relationship between which often leads to much confusion in the scholarly literature on Rousseau: first, nature understood as a normative standard; second, free will as an inalienable gift of nature; and, third and finally, the role of the passions in general and of *amour-propre* in particular.

## Acknowledgements

Over the course of completing this study I have benefitted considerably from the support and advice of many people. I owe a general intellectual debt to the Political Philosophy group at the University of York and especially to Jon Parkin and Timothy Stanton, who are largely responsible for cultivating my interest in Hobbes. In addition, Tim supervised my MA dissertation, which proved to be the first draft of many of the ideas developed here, and Jon was the first to suggest to me that there remained scope for further research on the relationship between Hobbes and Rousseau.

Within days of commencing the research for this thesis I found out that Richard Tuck is preparing a book on Hobbes and Rousseau, a draft version of which he generously sent to me in the form of a series of lectures, first presented at Boston University in 2000. I have benefitted greatly from having access to these lectures from the earliest stages of my research and, even where I disagree with some of Tuck's particular arguments, I have learned a great deal from engaging with his research.

A number of people have taken the time to read over sections of the thesis and have offered insightful comments; I would like to thank Jan Pieter Beetz, Adrian Blau, Dario Castiglione, Christopher Nathan, Johan Olsthoorn and Andy Schapp. Sections of the thesis have been presented as working papers to conferences and workshops at the universities of Bristol, Exeter, Manchester, Sussex, Verona, York, Manchester Metropolitan University and the European University Institute. I am grateful for the instructive feedback received from the respective audiences on each occasion. Short sections of this thesis have appeared or will be appearing in the following articles published separately: 'Rousseau's Debt to Burlamaqui', *Journal of the History of Ideas*, 72 (2011); and 'Montesquieu and Modern Republicanism', *Political Studies* (forthcoming).

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## A Note on Sources and Translations

All references to Rousseau are given to standard English and French editions where both are available. The following abbreviations are used throughout, in each case given by volume and page number (e.g. *CW*1:3/ *OC*2:4):

- CW*    *The Collected Writings of Rousseau*, series ed. C. Kelly & R.D. Masters, in 13 vols. (Hanover, NH, 1990-2010).  
*OC*    *Œuvres complètes de Jean-Jacques Rousseau*, Pléiade edition, dir. B. Gagnebin & M. Raymond, in 5 vols. (Paris, 1959-1995).  
*CC*    *Correspondance complète de Jean Jacques Rousseau*, ed. R.A. Leigh, in 52 vols. (Geneva, 1965-1971; Oxford, 1972-1977).

All references to Hobbes's *De Cive* are given to both English and French translations followed by page number, with the following abbreviations (e.g. *Cam*.5/ *Par*.6):

- Cam.*    *On the Citizen*, ed. & trans. R. Tuck & M. Silverthorne (Cambridge, 1998).  
*Par.*    *Le Citoyen ou les Fondements de la Politique*, trans. S. Sorbière (Paris, 1982).

Original chapter and section numbers are also given to *De Cive* but it is worth noting that Sorbière's French translation occasionally deviates from these. References to Hobbes's other works are given either to individual editions or to *The English Works of Thomas Hobbes of Malmesbury*, ed. W. Molesworth, in 10 vols. (London, 1839-1845), given by volume and page number (e.g. *EW*7:8).

Throughout the thesis both original French sources and English translations have been consulted where available. Where suitable, references are given to scholarly English translations of primary sources. Where these have been either unavailable or inadequate the translations provided are my own and the original is provided in a footnote for consultation. When quoting seventeenth and eighteenth-century English works I have refrained from modernising the original spelling and punctuation myself, unless this has been updated in the modern edition cited.

Occasionally I have felt it necessary to alter the English translation or preserve the original French term. Most notably, both *amour de soi-même* and *amour-propre* are sometimes translated into English as self-love, but given the importance that Rousseau (even if not his contemporaries) attached to the distinction between these two varieties of self-love I have retained the French terms. Similarly, I have standardised all translations of *amour de la patrie* to 'love of fatherland'.

The original publication date of modern primary sources is given in square brackets in

the footnote the first time the work is referenced, if the date is not mentioned in the body of the text. On some occasions explanatory footnotes have been used for this purpose. Suggested composition dates for works unpublished in the author's lifetime are only provided where relevant.

## Contents

Abstract	3
Acknowledgements	4
A Note on Sources and Translations	5
Introduction	8
Hobbes and Rousseau	9
Nature, free will and the passions	14
The assumption of coherence and the availability of Hobbes's texts	18
Chapter One: The French Reception of Thomas Hobbes	22
Nicole, Bayle and the moral-political emphasis	25
Malebranche's critique of Hobbes	33
Barbeyrac, Burlamaqui and natural law	38
Montesquieu against Hobbes	46
Diderot and the <i>Encyclopédie</i>	51
Hobbes before Rousseau	56
Chapter Two: The State of Nature and the Nature of Man	59
The state of nature and the state of war	65
Free will and man's moral nature	72
Natural goodness and the recovery of the golden age	77
Harmony, contradiction and the Hobbesian moment	86
Rousseau's critique, reappraised	90
Chapter Three: Sovereignty and Law	96
From the state of nature to political society	99
Free will, slavery and obligation	105
Sovereignty inverted	111
Freedom preserved	116
Law, nature and denaturing	122
Unity and civil religion	129
Chapter Four: Ordering the Passions	134
Neutralising <i>amour-propre</i>	136
The right type of love	143
Free will and virtue	149
Reason and the passions	155
Hobbes and fear	160
Of love and fear	166
Chapter Five: Republican Challenges	169
Hobbes's challenge to republicanism	171
Montesquieu and French republicanism	178
Rousseau and republican liberty	186
Rousseau and republican virtue	194
Modern republicanism	198
Conclusion	203
Rousseau's engagement with Hobbes in context	203
Oppositions and affinities	206
Bibliography	210

## Introduction

*In a word, I see no tolerable medium between the most austere democracy and the most perfect Hobbism*<sup>1</sup>

Jean-Jacques Rousseau was inclined to view problems between extremes and nowhere was this more evident than in his political thought. Five years after having published the *Social Contract*, Rousseau offered this observation on the problem of politics; a problem that he thought comparable to the squaring of the circle in geometry. Either put man above the law by making the sovereign a mortal God, or place the law above man guided only by the celestial voice of the general will. These were the two extremes that Rousseau posited as being the only tolerable solution: either the most austere democracy, such as he proposed, or the most perfect Hobbism.<sup>2</sup> Much as Thomas Hobbes's geometrical solution to the squaring of the circle was widely rejected,<sup>3</sup> so too Rousseau would reject Hobbes's solution to the problem of politics. That Rousseau viewed the problem in such starkly dichotomous terms, however, provides the point of departure for this thesis.

This thesis analyses Rousseau's engagement both with the political theory of Hobbes and with Hobbes's ideas as they were received in eighteenth-century French thought. As the quote from Rousseau suggests, his target was often as much Hobbism as it was Hobbes's ideas themselves, and it is well to note from the outset that these two targets were not one and the same; indeed the picture of Hobbism with which Rousseau worked frequently misrepresented the nuances of Hobbes's thought. At times Rousseau appears to have engaged directly with Hobbes's work; on other occasions he attacked what he took to be the pervasive influence of Hobbesian ideas on the political thought of his day; whilst at his most polemical he even attempted to subvert the prevalent understanding of Hobbism in order to criticise his contemporaries. Rousseau's engagement with Hobbes and Hobbism is a multi-faceted one and all of these elements have to be kept in mind if one wants to understand the relationship between the two thinkers.

Rousseau engaged with both Hobbism and Hobbes's ideas in a number of different contexts and for a variety of reasons, the nature and bearing of which this thesis seeks to uncover and evaluate. There are many different perspectives from which the relationship between the two thinkers can be explored, thus the place of Hobbes (or Hobbism) within the thesis is best understood as a thematic one. The challenge for anyone writing on Rousseau is

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<sup>1</sup> 'En un mot, je ne vois point de milieu supportable entre le plus austère Démocratie et le hobbisme le plus parfait', 'Rousseau à Mirabeau, le 26 juillet 1767', CC33:240.

<sup>2</sup> Judith Shklar is one of the only commentators to argue that this either/ or choice represented 'a genuine conflict between ideals' for Rousseau, *Men and Citizens*, p. 133. The importance of either/ or choices and rejection of partial solutions in Rousseau's thought more generally is well brought out by Cassirer, *The Question of Jean-Jacques Rousseau*, pp. 69-70.

<sup>3</sup> See Jesseph, *Squaring the Circle*.



that of justifying why another contribution to the abundant literature on such a seminal thinker is required. In this case the justification rests primarily on providing a comprehensive examination of Rousseau's engagement with Hobbes that surpasses the confines of existing scholarship.<sup>4</sup> Yet what emerges from this approach is an original interpretation of Rousseau's political philosophy that stresses and interweaves aspects of his thought that are frequently understated or neglected. By way of introduction, then, the rationale for further analysing the relationship between Hobbes and Rousseau is first discussed, before providing an outline of the structure of the thesis. An overview of the interpretation of Rousseau's political thought to be advanced is then sketched, and finally some methodological issues concerning the approach to be pursued are addressed.

## **Hobbes and Rousseau**

The idea that the relationship between Hobbes and Rousseau is in need of further examination may seem somewhat surprising. Comparisons between the two thinkers recur throughout Rousseau scholarship, as well as being common place amongst more general studies in the history of political thought. It is thus well to survey some of the most prominent characteristics of the extant scholarship in order to reveal where there remains further scope for analysis. For brevity's sake, what follows is confined to developments in the literature since the middle of the twentieth century. The sample of studies considered is selective, yet it is one that represents some of the most important trends in shaping the way that the relationship between the two thinkers is now understood.

Around the middle of the twentieth century a number of important studies advanced distinctively Hobbesian readings of Rousseau. According to Leo Strauss, for example, Rousseau was greatly indebted to Hobbes, deferring to his acceptance of the authority of modern natural science and attack on classical natural law. Rousseau only deviated from Hobbes because he fully appreciated the implications of his predecessor's premises, thus it was on truly Hobbesian principles that Rousseau originated the first crisis of modern thought by abandoning nature, or human nature, as a basis of right. On Strauss's reading, Rousseau struggled with his ancient and modern leanings but finally succumbed to a modern and Hobbesian tradition of political thought and natural right.<sup>5</sup> The most thorough examination of Rousseau's relationship with this modern tradition remains Robert Derathé's seminal study, first published in 1950. Whilst recognising that Rousseau set out many of his ideas against Hobbes, some of Derathé's most original contributions were in arguing for Hobbes's influence on Rousseau. Perhaps most notably, Derathé maintained that Rousseau's psychology of man was inspired by Hobbes's.<sup>6</sup> In much the

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<sup>4</sup> Throughout the thesis remarks concerning Rousseau scholarship are limited to the literature published in English and French.

<sup>5</sup> Strauss, *Natural Right and History*, especially pp. 266-274.

<sup>6</sup> Derathé, *Rousseau et la Science Politique*, pp. 109-110, 137-141.

same spirit, Georges Davy argued that Hobbes set down the very foundations for the *Social Contract* and, for Bertrand de Jouvenel, the influence was so profound that Rousseau's theory could be described as 'Hobbism turned inside out'.<sup>7</sup> Characteristic of many of the studies of this period, then, was an attempt to show that Rousseau's thought was really very Hobbesian, or at least a lot more so than he would have willingly admitted.

In many respects it is Strauss's influence that looms large over much Anglo-American contemporary scholarship on the relationship between the two thinkers, where Hobbes is more generally taken to represent a distinctively modern tradition of political thought in contrast to a classical tradition that is often represented by Plato. Arthur Melzer thus reads Rousseau through the dichotomy of Plato or Hobbes and even suggests that Rousseau's intention was to reconcile the two.<sup>8</sup> Conversely, David Lay Williams has recently argued forcefully for the influence of Plato over Hobbes in order to dispel Hobbesian readings of Rousseau (which he claims were prominent for the best part of the twentieth century), yet his study is still structured around the Straussian dichotomy.<sup>9</sup> To be sure, this dichotomy at times proves instructive for understanding Rousseau's thought, not least because the Straussian reading of Hobbes – irrespective of whether or not it does Hobbes's thought any justice – shares some important resemblances with the ways in which Hobbes's ideas were read and discussed in much eighteenth-century French thought. Williams's study is invaluable for those interested in the relationship between Hobbes and Rousseau because it convincingly challenges at least one prevalent line of interpretation. Nonetheless, Rousseau's engagement with Hobbesian ideas cannot be reduced to the question of Plato or Hobbes, since this engagement permeated many other debates in which Plato and Platonism were not the antitheses of Hobbes and Hobbism.

Even if not Straussian in influence, most of the seminal literature on Hobbes and Rousseau has adopted a predominantly a-historical approach, conducting purely philosophical analyses of some of the two thinkers' key ideas, such as the state of nature, the social contract and sovereignty.<sup>10</sup> These are precisely the topics where there is evidence that Rousseau was influenced by Hobbes, yet there is a marked absence of historically nuanced readings of the ways in which Rousseau employed and refuted the ideas that he associated with Hobbes. Given this, it is perhaps unsurprising that it has been historians associated with the Cambridge approach to the history of ideas who have recently led the way in calling for more scholarship examining the two thinkers. Quentin Skinner signalled that insufficient research has been

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<sup>7</sup> Davy, *Hobbes et Rousseau*, p. 14; Jouvenel, 'An Essay on Rousseau's Politics', p. 124. For other notable contributions in a similar vein see Taylor, 'Rousseau's Debt to Hobbes'; Winch, 'Man and Society in Hobbes and Rousseau'.

<sup>8</sup> Melzer, *Natural Goodness of Man*, p. 115.

<sup>9</sup> Williams, *Rousseau's Platonic Enlightenment*, especially pp. xv-xxx, 27-59.

<sup>10</sup> For a typical sample see Mandle, 'Rousseauian Constructivism'; Trachtenberg, 'Subject and citizen'; Steinberg, 'Hobbes, Rousseau and the State'. It should be pointed out that this characterisation is far more reflective of Anglo-American than French scholarship. In addition to Derathé's aforementioned study, see especially Goldschmidt, *Anthropologie et Politique*, and Bernardi, *La Fabrique des Concepts*, neither of which are primarily concerned with Rousseau's relationship to Hobbes but both of which consider Hobbes's influence within a much broader intellectual context.

directed towards Rousseau's reading of *De Cive*,<sup>11</sup> and Richard Tuck is currently reassessing the relationship between Hobbes and Rousseau in some depth. Building on the comments that he first made in his *Rights of War and Peace*,<sup>12</sup> Tuck presented six lectures at Boston University that form a version of his forthcoming book on Hobbes and Rousseau. It is worth noting that this will provide the first book-length study dedicated to the relationship between the two thinkers since the collection of essays published in 1988 by Howard Cell and James MacAdam.<sup>13</sup> Tuck's scholarship is, from a historical perspective, much more adequately informed than most of the extant literature. Yet the Rousseau that emerges from his study remains a figure greatly indebted to Hobbes. Tuck's project is largely concerned with revealing the affinities between Hobbes and Rousseau, in part so that he can defend Hobbes from some of Rousseau's most pressing criticisms. Indeed Tuck's approach may well be viewed as one that uses Rousseau to better understand Hobbes, whereas the approach to be pursued presently is quite the reverse, to use Hobbes to better understand Rousseau.

It is also well to stress at this stage that the scholarship focusing on Hobbes's and Rousseau's respective theories of the state of nature, social contract and sovereignty, does not come close to exhausting the broader philosophical interest in examining the ideas of the two thinkers together. For instance, the importance for both of unity as a political concept and the ways in which their political theories appealed to men's passions remain subjects on which both thinkers offer an array of philosophical insights that appear all the more challenging when viewed in juxtaposition to one another. Both historically and philosophically, then, there remains scope for further investigation.

This thesis seeks to redress the two central shortcomings – historical and philosophical – in the extant scholarship and, in doing so, proposes answers to some of the seminal problems that arise when considering Hobbes and Rousseau together. The most general problem has never been satisfactorily resolved. That is, if Rousseau was so Hobbesian then why did he repeatedly set out his ideas in opposition to Hobbes? Was he just unaware of his Hobbism or did he seek to conceal it? In short, as Tuck succinctly puts it, what exactly did Rousseau think he was doing?<sup>14</sup> In seeking to answer this question it is well to proceed by first assessing the extent to which Rousseau was influenced by Hobbes or Hobbism, before proceeding to examine the philosophical differences and affinities between the two thinkers in greater depth later in the thesis.

The first chapter sets out the intellectual context by surveying the French reception of

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<sup>11</sup> Skinner, 'Surveying the *Foundations*', p. 256. In much of the Anglo-American literature it is assumed that Rousseau read *Leviathan*, or that what knowledge he had of Hobbes's works is unimportant for analysis of the two thinkers.

<sup>12</sup> Tuck, *The Rights of War and Peace*, pp. 197-207.

<sup>13</sup> In the preface to the collection the authors claimed that theirs was the first book-length study of the two thinkers and invited further research of a similar depth, yet this invite has largely gone unanswered. See Cell & Macadam, *Rousseau's Response to Hobbes*, p. vii.

<sup>14</sup> For the most explicit statement of this recurrent theme see Tuck, 'Pitié', *Lectures*, p. 25. See also Glaziov, *Hobbes en France*, p. 234.

Hobbes during the late seventeenth and early eighteenth centuries. Rather than providing a comprehensive exploration of Hobbes's reception, analysis is focused on those thinkers who may plausibly be thought to have influenced Rousseau's interpretation of Hobbes. Attacks on Hobbes increased as the eighteenth century progressed and his reputation underwent a marked deterioration during this period, even though many of his ideas appear to have diffused into the thought of the time. If anything this serves only to obfuscate questions regarding Hobbes's influence on Rousseau, for it was frequently an indirect one, indicating why it is just as important to focus on eighteenth-century Hobbism as it is on Hobbes's texts themselves. Accordingly, the focus of subsequent chapters does not always fall on ascertaining direct influence but rather on considering how Hobbesian ideas framed the issues that Rousseau confronted in his political writings.

The second and third chapters build on the historical reception of Hobbes's ideas and, in particular, their opposition to modern natural law theories. Chapter Two examines Rousseau's state of nature theory and reveals how he attempted to use Hobbes's odious reputation for polemical purposes in order to discredit his adversaries. Against the natural law theorists, Rousseau sought to collapse the prevalent bifurcation between Pufendorfian sociability and Hobbesian Epicureanism; and against the *doux commerce* theorists he endeavoured to show that those who defended commercial society actually rested their defences on Hobbesian premises regarding man's nature. In important respects, then, Rousseau's aims were polemical, yet in this context he advanced two of his key principles in opposition to Hobbes: man's free will and man's natural goodness. These principles would animate Rousseau's philosophy and are crucial for understanding his political thought, especially as it is by considering these that some of the most significant philosophical distinctions between Hobbes and Rousseau are disclosed.

The third chapter assesses the extent to which Rousseau's political thought was aimed at overcoming problems of a fundamentally Hobbesian nature. At times Rousseau appears to have accepted that political society had to be justified against, and remedy the deficiencies within, Hobbes's account of the state of nature. Certain affinities between their political philosophies are thus evident, most notably concerning the need for an absolute and incontestable sovereign, and the challenges that religion poses to political unity. Yet much of Rousseau's political thought was set out against both Hobbes and his critics in the natural law tradition. Rousseau considered that his predecessors in this tradition had only offered illegitimate justifications of the social order, which involved man alienating his God-given free will. To preserve man's freedom in the social pact Rousseau radically inverted the Hobbesian account of sovereignty – so often used to justify the submission of the people – by directing it towards republican conclusions. Rousseau aimed to make the law sovereign, yet this should not be mistaken for the positivism and conventionalism that was to become associated with Hobbes's philosophy. Instead, to distance himself from the likes of Hobbes and Pufendorf, Rousseau insisted that a legitimate social order must be in accordance with nature as a transcendent normative standard.

The fourth and fifth chapters build on the historical examination of Rousseau's engagement with Hobbes to tease out the broader philosophical interest in comparing their political thought. Chapter Four reveals the importance that both thinkers placed on ordering the passions to preserve the unity of the body politic. Rousseau's theory of the passions is well understood in relation to the tradition of French neo-Augustinianism, and in many respects the Augustinian account of man's post-lapsarian state resembled the Hobbesian depiction of the state of nature. In each case, man's individualistic passions were inflamed and political institutions would have to turn such passions to good use if peace was ever to be secured. Rousseau, however, rejected the post-lapsarian account of man's nature and instead argued that well-ordered republican institutions could cultivate man's uncorrupted passions by channelling them towards love of fatherland. Hobbes and Rousseau both appreciated the importance of appealing to man's passions, but their contrasting accounts of man's nature entailed that the passion central to their respective theories differed. For Hobbes, above all else, it was man's fear that needed to be rightly ordered in the commonwealth; for Rousseau, it was man's love. Analysis of the passions to which the two thinkers respectively appealed, then, serves to show how the political possibilities that they each pursued were largely shaped by their competing accounts of human nature.

In opposition to Hobbes's account of sovereignty, Rousseau insisted that the law must be placed above man, leading him to develop a classically republican form of modern sovereignty. The fifth chapter completes the interpretation of Rousseau's political thought and inquires as to whether or not it should serve as inspiration for contemporary political theorists. More specifically, the chapter challenges the manner in which republicanism has been revived in much contemporary political philosophy by examining important aspects of the tradition upon which its proponents draw. This involves re-evaluating the precise nature of the challenge that Hobbes supposedly posed to republicans, as well as exploring the relatively neglected context of French republicanism around the middle of the eighteenth century. In doing so a very different picture of rival liberal and republican traditions to that which prevails in much contemporary scholarship is adumbrated.

This thesis resists the temptation to categorise Rousseau simply as either a Hobbesian or an anti-Hobbesian thinker; the relationship between the two thinkers is far more nuanced than that. Rousseau often grappled with problems of a Hobbesian nature, sometimes leading him to positions that resembled Hobbes's theory and sometimes to positions set out in direct opposition to it. More often than not, Rousseau's comments on Hobbes were critical, but in many cases the opposition reflected his polemical ends as much as it did any deep philosophical disagreement. Indeed, from a philosophical perspective, the interpretation of Rousseau advanced throughout this thesis is better characterised by the significance it attaches to three themes that are central to his political thought, all of which are well elucidated by way of comparison with Hobbes.

## Nature, free will and the passions

The principal aim of this thesis is to understand Rousseau in his historical context; that is, how he assimilated, transformed and disavowed the various traditions of thought and prevailing interpretations of Hobbes with which he worked. Yet the thesis also develops a distinctive interpretation of Rousseau as a thinker who attempted to develop a coherent political philosophy. What makes the reading advanced here original is the emphasis placed on the interplay of three themes within Rousseau's thought: the role of nature as a normative standard, the centrality and significance of free will, and the importance of cultivating men's passions in the body politic. The relationship between these aspects of Rousseau's thought often appears contradictory, thus this thesis endeavours to show how they may be rendered coherent and in doing so aims to dispel some prominent misinterpretations of Rousseau. At this stage a preliminary outline of the main features of this interpretation may be sketched with respect to each of the three themes.

One way of reading Rousseau, popularised by Strauss amongst others, is of his having abandoned any attempt to find a basis for political right in nature or in human nature.<sup>15</sup> Given that Rousseau provided a historicised account of the state of nature and development of society, in which man's constitution was irrevocably altered, there is some justification for concluding that nature could not have provided a normative basis for his political thought. Nonetheless, Rousseau also insisted that his writings were united by an adherence to the principle of man's natural goodness, which one would expect to carry important implications for his political thought. Arthur Melzer has provided the most comprehensive exploration of this principle, yet he finds no reference to natural goodness in Rousseau's *Social Contract*, which he claims was instead argued from Hobbesian self-preservation.<sup>16</sup> Laurence D. Cooper has examined Rousseau's understanding of nature in greater depth. Cooper maintains that nature supplied a regulative normative standard for Rousseau, yet he also argues that the life of a citizen in a well-ordered republic does not conform to this standard.<sup>17</sup> Even amongst those who have taken the role of nature in Rousseau's work seriously, then, it still appears in tension with important aspects of his political thought. By contrast, this thesis argues not only that nature supplies a transcendent normative standard throughout Rousseau's philosophy, but also that a well-ordered republic meets his criteria for being in accordance with this standard.

To be sure, Rousseau sometimes referred to nature in a purely descriptive sense, such as when he presented his account of natural man and the state of nature. Yet he also referred to nature in a normative sense, referring to man's inalienable gifts of nature and arguing that what

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<sup>15</sup> In addition to Strauss (referenced above), see Crocker, *Rousseau's Social Contract*, p. 91; Shklar, *Men and Citizens*, p. 38; Plattner, *Rousseau's State of Nature*, p. 110; Horowitz, *Rousseau, Nature, and History*, p. 81; Rapaczynski, *Nature and Politics*, pp. 277-278; Manent, *History of Liberalism*, p. 78; Schneewind, *The Invention of Autonomy*, p. 473.

<sup>16</sup> Melzer, *Natural Goodness of Man*, p. 115. Although see Cohen, who argues that Rousseau's ideal political state is only compatible with man's nature if man is naturally good, *Rousseau*, pp. 127-130.

<sup>17</sup> Cooper, *Rousseau, Nature and the Problem of the Good Life*, pp. 48-50.

is just and right is so by the nature of things. Rousseau's principle of natural goodness was set out against Augustinian and Hobbesian accounts of man, which he thought depicted man as naturally evil. In opposition to these accounts of man's post-lapsarian state, Rousseau argued that man is naturally good and that his corruption is only occasioned by the development of certain types of social relations. For man's life to be in accordance with nature, on the reading advanced presently, his inalienable gifts of nature would have to be preserved and he would have to enjoy a harmonious and ordered existence free from the contradictions of the social system that render man's life miserable. This standard is thus indeterminate; it is met both in the pre-agricultural societies that Rousseau described as the 'best for man',<sup>18</sup> and could equally be met in a well-ordered republic with institutions capable of forestalling man's corruption.

Rousseau's account of nature as a transcendent normative standard informed his principles of political right and served to distance them from the conventionalism and positivism often associated with Hobbes. Similarly, the theme of free will is well understood in contradistinction to Hobbes's materialism. Indeed one reason why it is of interest to examine the two thinkers together is the way in which their opposing positions on free will unfold throughout their political thought and shape their arguments for the different types of social order that they sought to legitimise. That Hobbes was a materialist and did not believe in free will is uncontroversial. Those who talk of free will, he remarked in *Leviathan*, do no more than abuse speech with their insignificant words; 'words... without meaning; that is to say Absurd.'<sup>19</sup> Rousseau was a dualist and did believe in free will; what is more, his political thought makes little sense without recourse to the concept. This is more controversial and warrants some justification given that the importance of free will throughout his corpus has often been neglected. Some have denied that Rousseau believed in free will, others have concluded that his views on free will were ambiguous or could at least be studied in isolation from the rest of his thought, and even on the occasions where the importance of free will has been admitted, its implications for the rest of his philosophy have not been fully extrapolated.

Rousseau considered *Emile* to be the most important of his works,<sup>20</sup> central to which was the 'Profession of Faith of the Savoyard Vicar', which he deemed to be 'the best and most useful Writing in the century during which [he] published it.'<sup>21</sup> In the 'Profession of Faith', the Savoyard Vicar argues forcefully for man's free will, which is the most developed discussion of the subject within Rousseau's *œuvre*. As the argument was placed in the mouthpiece of the vicar, some commentators have concluded that Rousseau was thereby distancing himself from the ideas expressed. Famously, Roger Masters claimed that as the 'Profession of Faith' is not

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<sup>18</sup> Rousseau, *Discourse on the Origin and Foundations of Inequality among Men* (hereafter *Second Discourse*) [1755], CW3:48/ OC3:170-171.

<sup>19</sup> Hobbes, *Leviathan* [1651], p. 34.

<sup>20</sup> Rousseau, *Rousseau, Judge of Jean Jacques: Dialogues*, CW1:23/ OC1:687; *The Confessions of J.-J. Rousseau*, CW5:475, 480/ OC1:568, 573. Rousseau's autobiographical works were all published posthumously. The *Confessions* was complete by 1770, he worked on the *Dialogues* from 1772-1776 (and the *Reveries* from 1776-1778).

<sup>21</sup> Rousseau, *Letter to Christophe de Beaumont* [dated 1762, published 1763], CW9:46-47/ OC4:960.

Rousseau's own voice then it can be detached from the rest of his thought.<sup>22</sup> This interpretation would be justified if Rousseau had anywhere indicated that the ideas of the Savoyard Vicar diverged significantly from his own, yet, to the contrary, he repeatedly confirmed that the 'Profession of Faith' did actually represent his own views.<sup>23</sup>

If the 'Profession of Faith' had been the only occasion on which Rousseau discussed the subject of free will then there might be the slightest cause for questioning the sincerity of his belief. However, this is not the case, and other confirmations of Rousseau's position can be found throughout his work, most notably in his defence of *Emile* against the Archbishop Christophe de Beaumont, where Rousseau claimed that the 'Profession of Faith' was written 'to combat modern materialism' and affirmed his metaphysical dualism and belief in free will.<sup>24</sup> There is, however, one piece of evidence indicating that Rousseau was not always committed to a belief in free will. In an early fragment that was never published, he wrote 'I have no idea if the acts of my will are in my own power or if they follow an outside impetus, and I care very little about knowing that... Therefore, I have no wish at all to speak here about this metaphysical and moral Freedom.'<sup>25</sup> This fragment likely dates from around 1750-51 and the indecision could simply be a result of him not having fully formed his views at that early stage.<sup>26</sup> Moreover, by the time of his first developed discussion of free will in the *Second Discourse*, Rousseau spoke explicitly of freedom being a metaphysical and moral capacity,<sup>27</sup> in the exact terms that he had been sceptical of in the earlier fragment, suggesting that he was by then committed on the very problem over which he had previously remained undecided.

Even amongst commentators who do not dispute Rousseau's belief in free will, the relationship between free will and his political philosophy remains relatively unappreciated. For instance, in the preface to his recent and otherwise excellent study of Rousseau's theory of freedom, Matthew Simpson claims that the problem of free will was deliberately set aside in the *Social Contract*.<sup>28</sup> By contrast, the present interpretation aims to show that the only form of contract that Rousseau deemed legitimate would have to respect man's free will in the social order. To be sure, not all scholars have overlooked the importance of free will in Rousseau's thought, the most notable exception here being Patrick Riley's seminal work on the general will.<sup>29</sup> Yet Riley identifies significant tensions between Rousseau's proposals for cultivating the

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<sup>22</sup> Masters, *The Political Philosophy of Rousseau*, p. 74.

<sup>23</sup> Rousseau, *Confessions*, CW5:77/ OC1:91-92; *The Reveries of the Solitary Walker*, CW8:22-23/ OC1:1018; *Letters Written from the Mountain* [1764], CW9:139, 161/ OC3:694, 721. See also Williams, *Rousseau's Platonic Enlightenment*, pp. 62-64.

<sup>24</sup> Rousseau, *Letter to Beaumont*, CW9:28, 43, 75/ OC4:936, 955, 996.

<sup>25</sup> Rousseau, *Fragment on Freedom*, CW4:12.

<sup>26</sup> This conclusion is also supported by Williams, *Rousseau's Platonic Enlightenment*, pp. 70-72.

<sup>27</sup> Rousseau, *Second Discourse*, CW3:25-26/ OC3:141-142.

<sup>28</sup> Simpson, *Rousseau's Theory of Freedom*, p. ix. The relative neglect of the importance of free will is well illustrated by its absence from a recent volume of essays entitled *Rousseau and Freedom*. Of the seventeen essays included only one makes anything more than passing reference to the concept of free will, and in that case it is only briefly discussed in relation to *Emile* with no mention of Rousseau's political theory. See Brown, 'The constraints of liberty', pp. 161-162.

<sup>29</sup> Riley's position is comprehensively expounded in the chapter on Rousseau in his *Will and Political*



citizens' wills by way of their passions and free will understood in terms of autonomy.<sup>30</sup> The challenge remains, then, to demonstrate how the cultivation of man's passions in political society could be consistent with respecting his free will. Such a challenge can only be met by firmly dispelling the proto-Kantian readings of Rousseau, which is all the more necessary given that amongst those commentators who have taken the role of free will seriously, there has been a tendency to associate the concept with a Kantian notion of autonomy.<sup>31</sup>

Much as the proto-Kantian readings of Rousseau serve to obscure from understanding his conception of free will, so too they fail to account for the role that he accorded to the passions and their relationship with reason. For Rousseau, reason and the passions were not in perpetual conflict with one another, thus the role of reason was not to master or overcome the passions, but simply to order them and prevent them from conflicting with one another. In this respect his understanding of the relationship between reason and the passions was closer to Hobbes's and later Hume's than it was to Kant's. Indeed, where Rousseau's ideas on nature and free will may profitably be understood in opposition to Hobbes's, the importance he accorded to the passions in human understanding and maintaining political order has many affinities with Hobbes.

This thesis stresses the importance that both Hobbes and Rousseau placed on ordering the passions to secure political unity. In particular, attention is focused on Rousseau's account of *amour-propre* and its relationship to the neo-Augustinian tradition of moral thought, in which corrupt *amour-propre* characterised man's post-lapsarian state. In the *Second Discourse* Rousseau recounted a secularised version of the Augustinian story of man's fall, with Original Sin recast in terms of the development of entrenched relations of inequality and the onset of luxury. In this state man's *amour-propre* was inflamed and rendered in constant opposition to his primitive *amour de soi-même*; the disorder of the passions in modern society proved to be a principal cause of human misery. However, if a well-ordered republic could be based on man's pre-lapsarian passions then *amour-propre* could be rendered positive and brought into harmony with man's *amour de soi-même*. Rousseau's republican vision entailed ordering the passions in such a way as to prevent the contradictions in man's existence from developing. The

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*Legitimacy*, pp. 98-124. Riley has published reformulated versions of this account but the essentials of the argument remain the same. The importance of free will for Rousseau's political thought is also explored in some depth by Miller, *Dreamer of Democracy*, pp. 165-201.

<sup>30</sup> Riley, *Will and Political Legitimacy*, p. 17. Riley suggests that this could only be a provisional problem and at the end of political time citizens might freely will the general will without the need for seemingly coercive authority (p. 118). Yet this partial defence of Rousseau will not explain away all the alleged contradictions with which his political theory is faced, not least because of the problems of ascribing this view of progressive political time to a thinker who was so pessimistic about the chances of realising his political ideal and thought that from the moment of a body politic's inception it was in decay.

<sup>31</sup> See principally Levine, *The Politics of Autonomy*, especially pp. 57-58. The tendency to read Rousseau's account of free will in proto-Kantian terms stems back to at least Hegel, who claimed that it should be associated with 'the rational will, of the will in and for itself', and that Rousseau's ideas furnished the transition to the Kantian philosophy, *Lectures* [1825-1826], pp. 400-402. For a more recent proto-Hegelian reading of Rousseau's account of free will see Neuhauser, 'Freedom, Dependence and the General Will'.

interpretation of Rousseau's political thought advanced throughout this thesis, then, shows how his vision of a well-ordered republic was based on cultivating man's pre-lapsarian passions, whilst respecting and generalising man's inalienable gifts of nature – his life and free will – in order to render the life of the virtuous citizen in accordance with nature as a normative standard.

### **The assumption of coherence and the availability of Hobbes's texts**

It now seems incumbent upon most studies within the broad scope of intellectual history to reserve at least a few words justifying the methodological approach to be pursued, and this might seem all the more necessary given that the present study balances both historical and philosophical concerns. However, this need not prove a source of tension. A variety of arguments and claims are advanced, some philosophical, some historical and some a mix of the two. It is well to be conscious of which type of claim is being made and to ensure that the evidence adduced in support of it is appropriate, but this should not deter one from making different types of claim that require different types of justification.

The intention presently is to keep the methodological remarks as minimal as possible, for there is a problem with being too prescriptive when it comes to these issues. One cannot assume that a thinker either intended their writings to influence a specific political controversy of the time or that they sought to contribute timeless solutions to questions of perennial interest. These are both hypotheses that need to be tested against the available evidence, both textual and contextual. Rather than prescribing methods and principles of interpretation, it is best to be conscious of the scope of the claims that one is making, and if the end product is a work that avoids the methodological pitfalls forewarned by others, then, methodologically speaking, it is a success, even if it proposes no methodology of its own. No doubt methodological assumptions are made throughout but it is hoped that in most cases these will prove uncontroversial, otherwise some justification is provided.

There are, however, two problems that merit some preliminary attention, one regarding the interpretation of Rousseau to be advanced and the other regarding his relationship with Hobbes. The approach pursued in this thesis takes seriously the idea that Rousseau intended his works to present something of a coherent whole. In doing so one has to be wary of the dangers associated with imposing 'a mythology of coherence' onto past thinkers' writings, which could serve to distort the changing and sometimes contradictory ideas that a thinker may have developed over time.<sup>32</sup> In the case of Rousseau, however, there is at least a *prima facie* justification for assuming coherence.

As early as 1753, Rousseau wrote of having developed a 'sad and great System, [based

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<sup>32</sup> See Skinner, who specifically criticises attempts to do this with Rousseau, 'Meaning and Understanding', p. 39

on] a sincere examination of the nature of man, his faculties, and his destiny'.<sup>33</sup> In 1762, he maintained that his first two discourses and *Emile* 'are inseparable and together form the same whole',<sup>34</sup> and he likewise deemed that the *Social Contract* and *Emile* together comprised a complete whole.<sup>35</sup> When defending the latter two works, he similarly claimed to 'have written on various subjects, but always with the same principles: always with the same morality, the same belief, the same maxims, and if you will the same opinions.'<sup>36</sup> Towards the end of his life, Rousseau had the character of the Frenchman in the *Dialogues* reiterate that his writings 'were things that were profoundly thought out, forming a coherent system which might not be true but which offered nothing contradictory.'<sup>37</sup> Rousseau went so far as to claim that even if his words appear contradictory, this was only due to the limitations of language and that no such contradiction was to be found in his ideas.<sup>38</sup> To be sure, Rousseau admitted that he was a man of paradox, but for him the choice was between being a paradoxical or a prejudicial thinker. To be paradoxical was simply to go against prevailing opinions and he insisted that anyone who thinks for himself cannot avoid paradox.<sup>39</sup> That Rousseau thought his ideas coherent, of course, is not evidence that they actually were so, and the present interpretation does not shy away from exposing some of the tensions that are to be found within his corpus. Nonetheless, in attempting to reveal the general coherence between his ideas, one simply takes Rousseau at his own word.

The second problem to consider presently bears on the historical claims to be advanced regarding Hobbes's influence on Rousseau. Rousseau never referenced Hobbes by anything more than name, so to know which texts of Hobbes he read, if any, is a matter of some conjecture. Rousseau's correspondence from his time spent in England confirms that he had barely any knowledge of English,<sup>40</sup> therefore it is worth detailing the editions of Hobbes's work that would have been available in both French and Latin.<sup>41</sup> Rousseau only began learning Latin towards the end of the 1730s, which he retrospectively described as 'my most painful study, and one in which I have never made great progress'.<sup>42</sup> Although he would later become fluent enough to at least read Latin, where both Latin and French editions of the same work were available it is more than likely that he would have opted for the latter.

Translations of two of Hobbes's works circulated in French during the mid-eighteenth century. The most famous was Samuel Sorbière's seminal translation of *De Cive*, published in

<sup>33</sup> Rousseau, *Preface to a Second Letter to Bordes*, CW2:183/ OC3:105.

<sup>34</sup> Rousseau, *Letter to M. de Malsherbes* [1762], CW5:575/ OC1:1136.

<sup>35</sup> 'Rousseau à Nicolas-Bonaventure Duchesne, le 23 mai 1762', CC10:281.

<sup>36</sup> Rousseau, *Letter to Beaumont*, CW9:22/ OC4:928.

<sup>37</sup> Rousseau, *Dialogues*, CW1:209/ OC1:930

<sup>38</sup> Rousseau, *Emile, or On Education* [1762], CW13:243/ OC4:345.

<sup>39</sup> Rousseau, *Letter to Beaumont*, CW9:81/ OC4:1004; *Emile*, CW13:226/ OC4:323; O'Hagan, 'Taking Rousseau Seriously', pp. 84-85.

<sup>40</sup> 'Rousseau à Marie-Madeleine de Brémond d'Ars, le 22 janvier 1766', CC28:218.

<sup>41</sup> A magisterial account of the availability of Hobbes's works across Europe is provided by Malcolm, *Aspects of Hobbes*, pp. 459-469. See also Glaziov, *Hobbes en France*, pp. 19-20; Tuck, 'Amour-Propre', *Lectures*, pp. 16-17. The following is no more than a summary of these findings.

<sup>42</sup> Rousseau, *Confessions*, CW5:200/ OC1:238-239.

Amsterdam in 1649.<sup>43</sup> François du Verdus also translated the work, with two editions appearing in Paris in 1660 and a third in 1665, although these circulated less widely than Sorbière's version. *De Corpore Politico*, the second part of the *Elements of Law*, was translated into French and appeared in editions published in 1652 and 1653.<sup>44</sup> Although the translation has long been attributed to Sorbière, Noel Malcolm has examined the many problems with this attribution and instead suggests that it might have been conducted by the Englishman John Davies. Even so, the full details of the translation and place of publication remain uncertain.

By far the most popular of Hobbes's works across Europe was *De Cive*, second to which was the *Opera Philosophica*, a collection of Hobbes's Latin works arranged by Johan Blaeu and published in Amsterdam in 1688. This included the Latin *Leviathan*, *De Cive*, *De Corpore*, *De Homine*, as well as some of Hobbes's other works on mathematics and physics. Yves Glaziou's analysis of thirty-eight private eighteenth-century French libraries indicates that *De Cive* was the most widely read, with fourteen holding it in French, and ten holding it in Latin. Thirteen possessed the *Opera Philosophica*, and six held the French translation of *De Corpore Politico*.

Little is known of Rousseau's personal library but the foregoing details suggest that *De Cive* would have been the most readily available of Hobbes's works, probably in Sorbière's French translation.<sup>45</sup> That Rousseau was familiar with *De Cive* may be attested by examining certain passages from the *Second Discourse*, which strongly suggest that he studied the work, his references being too precise to be attributed to intermediary sources.<sup>46</sup> Indeed it appears to only be with *De Cive* that a conclusive case can be made in support of Rousseau having read Hobbes at all.<sup>47</sup> There is also some evidence indicating that Rousseau continued reading Hobbes throughout the 1750s, as his opinion towards Hobbes seems to have changed and in some respects become more positive between the publication of the *Second Discourse* and the *Social Contract*. This has been argued elsewhere and the present thesis supports those findings.<sup>48</sup>

The evidence examined in this thesis indicates that Rousseau's understanding of Hobbes could have been developed from as little as a reading of *De Cive* and knowledge of the most

<sup>43</sup> *De Cive* was first published in 1642, but it was the second edition of 1647 that provided the basis for Sorbière's translation.

<sup>44</sup> The manuscript of the *Elements of Law* was completed in 1640 and published separately in two pirated parts as *Human Nature* and *De Corpore Politico* in 1650. *Human Nature* was not translated into French until 1772.

<sup>45</sup> In one of the few extant studies of his library, it is suggested that Rousseau's references to Hobbes may have been drawn from the French translation of *De Corpore Politico*; however, no evidence is adduced in support of this conjecture. See Richebourg, 'La Bibliothèque de Rousseau', p. 221.

<sup>46</sup> See Chapter Two, 'Natural goodness and the recovery of the golden age'.

<sup>47</sup> Bernardi confidently asserts that Rousseau read both *De Corpore Politico* and *De Cive* and did not read *Leviathan*, knowledge of which he only ascertained indirectly, *La Fabrique des Concepts*, pp. 91-95. Bernardi draws attention to the influence of Hobbes, amongst others, on Rousseau's use of the concept of the 'body politic' (*corps politique*), which is obviously most prominent in *De Corpore Politico*. However, as Bernardi recognises, the language of the body politic could easily have been drawn from *De Cive*, thus it seems problematical to draw such definite conclusions as to whether or not Rousseau read *De Corpore Politico*.

<sup>48</sup> See Taylor, 'Rousseau's Debt to Hobbes', p. 301; Glaziou, *Hobbes en France*, pp. 280-281; Tuck, 'Democracy in Rousseau', *Lectures*, pp. 4-6.

familiar references to Hobbes proliferating the thought of his time. For this reason *De Cive* is cited as the principal work of Hobbes at least throughout the first three chapters (where the discussion is at its most historical) and Hobbes's other works are only referenced where Rousseau could not have gained the relevant knowledge from *De Cive* alone. On each of these occasions it is at least as plausible that the aspects of Hobbes's thought in question were derived via intermediaries and the relevant sources are indicated. It is with these sources and their influence in shaping the French reception of Hobbes that the thesis begins.

## The French Reception of Thomas Hobbes

*No one argues with greater rigour or reason. Take care not to go beyond his first principles, if you do not wish to follow him everywhere he cares to lead you.*<sup>1</sup>

There is little doubt that Rousseau was concerned with the philosophy of Thomas Hobbes. That is, at least, if one takes the criticisms that permeate some of Rousseau's most important works – the *Second Discourse*, *Social Contract* and *Emile* – at face value. By contrast, the received opinion is that Hobbes was not a particularly important point of reference or inspiration for most late seventeenth and early eighteenth-century French authors, and it has even been argued that between Pierre Bayle and Rousseau no major French thinker engaged with Hobbes's thought in any depth.<sup>2</sup> Given this, it is perhaps not all that surprising that scholarship examining the relationship between Hobbes and Rousseau has frequently been conducted at a predominantly theoretical and a-historical level, with little regard to how others had responded to Hobbes prior to Rousseau.

Whilst taking such an approach may be of some philosophical interest, it offers a less nuanced understanding of the place that Hobbes occupied in Rousseau's thought. To make inroads into the latter problem it is necessary to have some idea of the context in which Rousseau read Hobbes and give an impression as to exactly what Hobbism (or *Hobbisme*) entailed in eighteenth-century France and Geneva. To ascertain this it is well to examine the manner in which Hobbes's reputation and ideas were characterised throughout the late seventeenth and early eighteenth century, shaping the context in which Rousseau would then address them.

It is important to consider the development of Hobbes's ideas in the French context in order to show that Rousseau did not respond to Hobbes in an intellectual vacuum. Rousseau was both writing in an ongoing intellectual tradition in which Hobbes's ideas were used with varying degrees of accuracy, and had also read some of Hobbes's work himself and was never one for accepting received opinion. Both aspects of this relationship need to be kept in view if one is to attempt to address the perplexity that Richard Tuck highlights: that of exactly what Rousseau thought he was doing by engaging with Hobbes.<sup>3</sup>

Rousseau persistently worked with and developed prevailing interpretations of Hobbes, sometimes following them and on other occasions either rejecting or inverting them. Hobbes's name carried great polemical and rhetorical weight in the eighteenth century, perhaps surpassed only by that of Spinoza, and the two were often presented together as the most subversive of all philosophers.<sup>4</sup> The response to such thinkers, more often than not, was to authoritatively dismiss

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<sup>1</sup> Diderot, 'Hobbisme' [1765], *Political Writings* (hereafter *PW*), p. 27.

<sup>2</sup> Israel, *Enlightenment Contested*, pp. 228-230.

<sup>3</sup> Tuck, 'Pitié', *Lectures*, p. 25.

<sup>4</sup> Indeed it is precisely in this context that one of Rousseau's earliest references to Hobbes is located,

their principles without great analysis, rather than engaging in the detailed critique that their writings deserved. Any credible thinker sought to avoid the charge of Hobbism, and when such an accusation surfaced it could occasion great controversy. Protestations against Hobbism, however, often concealed the influence of, or affinities with, Hobbes that pervaded much of the thought of the time, some of which appear to have only been recognised, or at least were only exposed, by Rousseau.

It is tempting to dismiss aspects of Rousseau's critique of Hobbes as being naive misrepresentations of his predecessor's thought. Yet viewed through the context of eighteenth-century French discussions of Hobbes, Rousseau is revealed as one of his most sophisticated commentators. However, the Hobbes in question was as much the one characterised by Bayle and Barbeyrac, or Montesquieu and Diderot, as it was simply the author of *De Cive* and *Leviathan* as he is read today.

In general, the reception history of Hobbes has attracted considerable attention in recent years, yet the focus of this research has predominantly been on charting how his ideas were received in England and relatively less scholarship has been directed towards the European and especially French reception of his thought.<sup>5</sup> The immediate impact of Hobbes's work in France is well documented and it is worth summarising this briefly in order to provide some background for the present study. Most notably, through an examination of his correspondence during the mid-seventeenth century, Quentin Skinner has provided evidence of the intimate intellectual contacts that Hobbes developed with many members of Marin Mersenne's circle. Skinner accords Hobbes a prominent place in an important phase of the Scientific Revolution in France, as, in comparison to England, Hobbes's works were there met with an enthusiastic response. It is well to draw attention to the focus of Hobbes's reputation at the time, which celebrated his attempts to provide mechanistic explanations for every type of phenomenon, whilst there was relatively less interest in the political dimensions of his thought.<sup>6</sup> To be sure, Hobbes was also recognised as an authority in political philosophy. Samuel Sorbière, for example, eulogised Hobbes as 'the father of politics and its leading expert';<sup>7</sup> an opinion echoed by François de Verdus, for whom Hobbes was alone in having 'taught the true, good political philosophy'.<sup>8</sup> Yet whilst such thinkers sometimes deferred to his political principles, it was Hobbes's mechanistic and geometrical explanations that occasioned the greatest discussion and acclamation. This impression of Hobbes is worth noting since it differs in crucial respects from that which would emerge amongst Hobbes's later French readers. Indeed there is little evidence

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*Discourse on the Sciences and Arts* (hereafter *First Discourse*) [1751], CW2:20/ OC3:28.

<sup>5</sup> See Goldie, 'The Reception of Hobbes'; Parkin, *Taming the Leviathan*; Rogers, 'Hobbes and his Contemporaries'. This is equally true of the classical texts on the reception of Hobbes, see Lamprecht, 'Hobbes and Hobbism'; Mintz, *The Hunting of Leviathan*. For notable exceptions see Skinner, 'Hobbes in France and England'; Wilson, *The Influence of Hobbes and Locke*; Glaziou, *Hobbes en France*; Malcolm, *Aspects of Hobbes*, pp. 457-545.

<sup>6</sup> Skinner, 'Hobbes in France and England', pp. 160-166.

<sup>7</sup> 'Samuel Sorbière to Hobbes, 31 March 1660', in Hobbes, *Correspondence*, p. 517

<sup>8</sup> 'François de Verdus to Hobbes, 20 April 1665', in Hobbes, *Correspondence*, p. 673.

of this scientific reception having extended into the eighteenth century and, as Noel Malcolm observes, ‘outside the immediate circle of Hobbes’s friends and admirers, his reputation as a writer on non-political and non-theological matters was in something of a decline from the mid-1650s onwards.’<sup>9</sup>

Even where the reception of Hobbes’s thought in eighteenth-century France has been examined, little consideration has been given to how this reception affected and influenced the ways in which Rousseau criticised and adopted the ideas he associated with Hobbes.<sup>10</sup> The purpose of the present chapter, then, is by no means to provide a comprehensive survey of all the references, both explicit and implicit, to Hobbes that can be identified in French works during the first half of the eighteenth century.<sup>11</sup> Rather, the intention is to offer something that is strikingly absent from the existing scholarship, that is, a contextual background for reading Rousseau’s engagement with Hobbes.

Such a study must be somewhat selective, thus the focus rests on those thinkers who there is good reason to believe might have influenced both Rousseau’s reading of Hobbes and the ways in which he framed his discussion of Hobbesian ideas. The authors and works concentrated on are either ones that Rousseau discussed or referenced explicitly, ones where his work reveals a strong familiarity with the ideas in question, or works that were so well disseminated in eighteenth-century France that it would seem improbable that Rousseau was not acquainted with them. Whilst other theorists and works are kept in mind, claims concerning Rousseau’s reading of Hobbes will be all the stronger to the extent that conjecture can be avoided over the intellectual context in which they belong.

The picture that emerges is an eclectic one and no attempt is made to weave a grand narrative into the French reception of Hobbes. Instead various threads are illuminated that characterise Hobbes’s reputation in different ways, some of which are taken up and some neglected by each commentator in turn. Those threads that lead to Rousseau provide the focus and the aim is to do no more than indicate the probable influences and contexts that shaped the intellectual milieu in which Rousseau wrote about Hobbes. For this reason thinkers are treated thematically rather than simply chronologically, thus sections on Bayle and Malebranche are treated separately due to the very different ways in which they discussed Hobbes’s ideas, despite the contemporary overlap of their writings. Although the main interest is in Hobbes’s reception in the eighteenth century, this was in part shaped by those writing before the turn of the century, hence works from the late seventeenth century are discussed where their influence can be recognised as extending well into the following century.

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<sup>9</sup> Malcolm, *Aspects of Hobbes*, p. 498.

<sup>10</sup> For instance, it is remarkable that Glaziou’s study of Hobbes’s reception, which culminates in an extended analysis of Hobbes and Rousseau, treats the two thinkers mainly in abstraction and neglects to consider how Rousseau’s treatment of Hobbes differed from or resembled those provided by his contemporaries, see *Hobbes en France*, pp. 231-282.

<sup>11</sup> For comprehensive surveys of this type, see Wilson, *The Influence of Hobbes and Locke*; Glaziou, *Hobbes en France*.



A brief word is necessary here on what is meant by the ‘French’ reception of Hobbes. The focus is on French as a language and therefore those works originally written in French are of primary concern, although those translated and published in French editions are also considered. This approach evades the difficulties that would occur were, for instance, a simply geographical approach to national context pursued. The problem of identifying in which national context a citizen of Geneva, writing in France and being published in Amsterdam should be located can thus be conveniently avoided. Of course, it should be remembered that at a time when the language of scholarly treatises was shifting from Latin to local vernaculars, many French theorists were fluent in Latin, if not in other European languages, and so had a much wider array of sources available to them than only those written in French. Such caveats are considered throughout, yet, these withstanding, it remains possible to identify a distinctively French reception of Hobbes’s thought.

### **Nicole, Bayle and the moral–political emphasis**

Pierre Bayle’s article ‘Hobbes’ in his *Historical and Critical Dictionary* would seem an obvious place to start for examining the reception of Hobbes’s thought in eighteenth-century France. It proved to be one of the principal sources for many discussions of Hobbes’s philosophy thereafter and was perhaps the most influential point of reference for many writers – sometimes, it would appear, even more so than Hobbes’s works themselves. Bayle was greatly admired by the *philosophes* and the *Dictionary* had a profound effect on the development of French thought in the eighteenth century, becoming the most widely held book in private French libraries.<sup>12</sup> Rousseau is known to have bought a copy.<sup>13</sup>

Whereas Hobbes’s French friends in the middle of the seventeenth century had been most interested in his mechanistic and scientific explanations, after Bayle it would be the more overtly political and moral aspects of his thought that received the greatest attention. To be sure, Hobbes’s political ideas had been discussed and employed prior to Bayle, but it was only following his article that Hobbes was thought about in predominantly political terms. In France, Hobbes’s political thought had not proved as inflammatory as in England and was often invoked in support of absolutist theories.<sup>14</sup> Hobbes’s account of the foundation of society was frequently treated in isolation from his materialist premises, thus French Cartesians such as Jacques du Roure and Pierre-Sylvain Regis were able to adopt Hobbesian ideas of self-preservation detached from his underlying philosophical principles.<sup>15</sup>

Hobbes’s depiction of man in the state of nature – overrun by passions that drive him

<sup>12</sup> Garrard, *Rousseau’s Counter Enlightenment*, p. 73.

<sup>13</sup> ‘Rousseau à Jacques Barrillot, entre avril et octobre 1736’, CC1:38.

<sup>14</sup> In early eighteenth-century France absolutists such as Bossuet, Delamare and Ramsey rested their theories on a Hobbesian account of human passions. However, they also employed the idea of natural sociability to avoid the need for a contract, see Gordon, *Citizens Without Sovereignty*, pp. 56-61.

<sup>15</sup> Malcolm, *Aspects of Hobbes*, pp. 500-502.

into conflict with others – was an appealing one for many neo-Augustinians as it provided a political story compatible with man's post-lapsarian state. In this context the most important discussion of Hobbes's political theory in France prior to Bayle was provided by Pierre Nicole, which is worth examining due to the extent to which Bayle was influenced by Nicole and would reproduce his quasi-Hobbesian theory in the *Dictionary*.<sup>16</sup>

Although he would have been opposed to Hobbes's materialism, Nicole's *Moral Essays* reveal that he was not so averse to adopting a Hobbesian theory of the origin of society. In 'Of Charity and of *amour-propre*', Nicole averred that men are in a state of war with one another, alluding to Hobbes:

and if he who said that they are born into a state of war, and that each man is naturally enemy of all other men, had only wanted to represent by his words the disposition of men's hearts each towards the others, without claiming to make it pass as legitimate and just, he would have said a thing also in conformity with truth and experience, as that which he maintains is contrary to reason and to justice.<sup>17</sup>

The *amour-propre* of other men is in constant opposition to all of one's own desires, and the only qualification that Nicole added to Hobbes's account was to stress that this state is contrary to both reason and justice. It is only men's unruly passions that disturb the order of society, thus the only means by which peace can be secured is by regulating those passions.<sup>18</sup> For Nicole, this consisted in rightly directing man's *amour-propre*, which takes care to 'disguise itself by covering the passions with a veil of justice.'<sup>19</sup>

At this stage it is worth noting that the idea that Hobbes founded all justice or society on *amour-propre*, which recurred in criticisms of his thought, was little more than a literal reading for his French audience. In the first chapter of *De Cive* Hobbes claimed that all societies are a product of self-love, which in Samuel Sorbière's seminal French edition was translated as all societies 'sont contractées par l'amour-propre'.<sup>20</sup>

Nicole was concerned to eschew the idea that *amour-propre* was the source of all justice

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<sup>16</sup> See James, *Pierre Nicole*, pp. 155-159; Keohane, *Philosophy and the State in France*, pp. 294-298; Malcolm, *Aspects of Hobbes*, p. 510. Four volumes of Nicole's *Essais de Morale* were published in Paris between 1672 and 1678.

<sup>17</sup> 'et si celui qui a dit qu'ils naissent dans un état de guerre, et que chaque homme est naturellement ennemi de tous les hommes, eût voulu seulement représenter par ses paroles la disposition du cœur des hommes les uns envers les autres, sans prétendre la faire passer pour légitime et pour juste, il aurait dit une chose aussi conforme à la vérité et à l'expérience que celle qu'il soutient est contraire à la raison et à la justice.' Nicole, 'De la Charité et de l'amour-propre', *Œuvres*, p. 180. Although Nicole does not mention Hobbes explicitly it seems clear that he had Hobbes in mind, especially when the passage is compared with Sorbière's French translation of *De Cive*, which depicted 'une guerre perpétuelle, et non seulement cela, mais une guerre de tous contre tous', and later that in such a state men are 'naturellement les uns contre les autres.' *De Cive*, I.11, V.2, *Cam*.29, 69/ *Par*.99, 140.

<sup>18</sup> Nicole, 'Des Moyens de Conserver la Paix avec les Hommes', *Œuvres*, pp. 208-209.

<sup>19</sup> 'l'amour-propre a soin de la déguiser en couvrant les passions d'un voile de justice'. Nicole, 'Moyens de Conserver la Paix', *Œuvres*, p. 233.

<sup>20</sup> Hobbes, *De Cive*, I.2, *Cam*.24/ *Par*.92.

and he further insisted that it was diametrically opposed to charity or true virtue,<sup>21</sup> yet it remained in man's interest to suppress the hostile elements of this negative passion. When brought into accordance with reason, *amour-propre* would imitate charity perfectly; men would seek the love of others to satisfy their own *amour-propre* and this would provide the source of all civility.<sup>22</sup> In short, men would regulate the unsocial manifestations of *amour-propre* for the sake of their enlightened *amour-propre*. Nicole, like Hobbes, claimed that it would be in men's interest to moderate their violent passions by placing themselves under the direction of civil laws. Just as Nicole's account of the state of war echoed Hobbes's, so too, in proposing a remedy for this state, he told a very Hobbesian story, affirming that the 'fear of death is thus the first bond of civil society, and the first brake on *amour-propre*'.<sup>23</sup> Moreover, the original spring of all forms of government – of which successive monarchy was advocated – was the choice of the people, yet once the constitution has been set the people retained no rights to change it and therefore it would never be lawful to rebel against the sovereign or engage in civil war.<sup>24</sup>

In Nicole's thought there is a conceptual and moral gulf between virtue and *amour-propre*, yet as far as each leads men to observe the civil laws and procure peace there is no discernible difference; ultimately only God would be able to distinguish between the two.<sup>25</sup> Hobbes had given men self-interested reasons to submit unreservedly to the civil sovereign and obey the laws, underwritten by a portrayal of the deplorable state of their existence if they failed to do so. Nicole's Augustinian pessimism regarding human nature led him to embrace the Hobbesian account of the origin of civil society. Bayle, in turn, would adopt Hobbes's and Nicole's pessimism and thus address Hobbes's thought in much the same context.

In Bayle's earliest major work, the *Various Thoughts on the Occasion of a Comet*, Hobbes is not mentioned once; indeed Bayle may not have even been familiar with Hobbes's writings in any depth at the time.<sup>26</sup> Nevertheless, the work proves revealing when considering Bayle's philosophical affinities with Hobbes and indicates why he would later become interested in the overtly political aspects of Hobbes's thought.

Central to Bayle's argument was the claim that it is civil laws rather than religion that upholds the social order, which led him famously to contend that a society of atheists could exist perfectly well. In his defence of toleration, Bayle maintained that it is not men's religious persuasions that lead them to observe the laws of society but rather their fear of breaking those laws and their interest in obeying them. Bayle employed a plethora of different arguments in support of this position, yet a recurrent theme was that man's state without civil laws would be a miserable one in which conflict would arise, and that this is just as true of a Christian society as

<sup>21</sup> Nicole, 'De la Charité et de l'amour-propre', *Œuvres*, p. 179.

<sup>22</sup> Nicole, 'De la Charité et de l'amour-propre', *Œuvres*, pp. 185-190; 'De la Civilité Chrétienne', *Œuvres*, p. 268; 'De la Grandeur', *Œuvres*, pp. 397-399.

<sup>23</sup> 'La crainte de la mort est donc le premier lien de la société civile, et le premier frein de l'amour-propre'. Nicole, 'De la Charité et de l'amour-propre', *Œuvres*, p. 181.

<sup>24</sup> Nicole, 'De la Grandeur', *Œuvres*, pp. 390-391.

<sup>25</sup> Nicole, 'De la Charité et de l'amour-propre', *Œuvres*, p. 200.

<sup>26</sup> Bost, *Pierre Bayle*, pp. 136-137.

it is of any other:

For the greatest number remain so engaged in vice that if human laws did not impose order, all societies of Christians would soon be destroyed. And I am certain that, absent a continual miracle, a city like Paris would be reduced in two weeks to the saddest condition in the world, if no other remedy were used against vice than the remonstrances of preachers and confessors.<sup>27</sup>

Man's condition is one where an infinite number of illusions and prejudices subsist and Christians are equally unable to avoid the disorders into which all other men fall. This is a wretched state, where the passions of ambition, avarice, envy, and the sources of all vice are to be found everywhere.<sup>28</sup> Man's condition without civil laws resembles the Hobbesian state of nature, one in which nothing, not even religion, can preserve order and peace. Bayle's aim was not as much to portray man's condition without laws as miserable, as it was to demonstrate that it is civil laws and not religion that preserve the social order, thus he stressed that 'religion is not a brake capable of restraining our passions.'<sup>29</sup>

Although there is no reference to Hobbes in his discussion, Bayle would later deploy similar arguments in his *Dictionary* claiming that 'Man is wicked and miserable... [and] history is nothing but the crimes and misfortunes of the human race.'<sup>30</sup> As a descriptive device, Hobbes's account of the state of war proved accurate and Bayle explicitly endorsed this depiction of man's natural state:

In this state of nature man was a wolf to man; everything belonged to the first who had it; no one was the master of anything except by force. In order to get out of this abyss each agreed to give up his rights to the whole so that he would be given the ownership of some part. They entered into agreements; war ceased.<sup>31</sup>

Man's condition could only be remedied by civil laws and not religion. In fact religion often undermined the social order by providing reasons that would motivate men to fight one another even when it was contrary to their interest in maintaining peace. Bayle elucidated this argument at length in his *Philosophical Commentary*, where he stressed that the disorders and disturbances occasioned by religion are only due to intolerance and the denial of liberty of conscience on the part of religious authorities.<sup>32</sup> Liberty of conscience was of paramount

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<sup>27</sup> Bayle, *Various Thoughts*, pp. 162. Bayle's *Lettre sur la Comète* was originally published in 1682, which was then augmented and published as *Pensées Diverses sur la Comète* in 1684.

<sup>28</sup> Bayle, *Various Thoughts*, pp. 117, 169.

<sup>29</sup> Bayle, *Various Thoughts*, p. 204.

<sup>30</sup> Bayle, 'Manicheans', *HCD*, pp. 146-147. References to articles from Bayle's *Dictionary* are given to editions by Popkin (*HCD*) and Jenkinson (*PW*). The first edition of the *Dictionary* was published in 1697. Bayle substantially revised and extended the second edition of 1702, which included the Clarifications.

<sup>31</sup> Bayle, 'Manicheans', *HCD*, p. 150. In the 'Epistle Dedicatory' to *De Cive* Hobbes stated that 'Man is a wolf to Man', *Cam.3/ Par.83*. The irony here is that – as well as it describes Hobbes's state of nature – the actual reference was to relations between commonwealths, not to those between individuals; a point that was retained in the translation but missed by many French commentators following Bayle.

<sup>32</sup> Bayle, *Philosophical Commentary* [1686], especially pp. 56-58, 199-211.

importance for Bayle, as he held as a fundamental principle that ‘whatever is done against the Dictates of Conscience is a Sin’.<sup>33</sup>

Whilst Bayle would not agree about the extent to which Hobbes granted the sovereign control over the externals of religion,<sup>34</sup> the similarities with Hobbes extended beyond the depiction of man’s unruly state without civil laws, overrun by violent passions that were often further inflamed by religion. Bayle was at his most Hobbesian, whether consciously or not, when he proposed his remedy for man’s condition, arguing for the autonomy of the political realm and maintaining that the sovereign must assert authority over the challenges of ecclesiastical influence from which intolerance and rebellion arise to threaten the state.<sup>35</sup> Bayle granted the sovereign an essential and inalienable right to enact laws for the preservation of society and insisted that any opinions that tend ‘to the Disturbance of the State, and the endangering [of] the Sovereign’s Authority’ should in no way be tolerated. This meant that on purely civil grounds the sovereign need not tolerate those, such as members of the Church of Rome, who would attempt to hold a tyrannical rule over the consciences of men; rather toleration should be extended only to all those who endorsed liberty of conscience.<sup>36</sup>

Returning to his *Various Thoughts*, Bayle’s Hobbism is never explicit; indeed it may well have been mediated via Nicole’s *Moral Essays*, which Bayle considered a ‘masterpiece’ and the influence of which is evident throughout the work.<sup>37</sup> For Bayle, as for Nicole, people deceive themselves when they think that all their praiseworthy actions are motivated by love of God, as they are usually performed from more selfish principles.<sup>38</sup> Nonetheless, man’s sinful *amour-propre* could be turned to good use and lead men to perform all the virtues, even providing sufficient motive for atheists to perform religious duties.<sup>39</sup>

Bayle would later stress that the virtuous actions of atheists proceed only from their *amour-propre*, whereas Christians may perform them from love of God, yet at the same time he stated, again echoing Nicole, that it was an incontestable maxim that ‘*the fear and the love of the Divinity are not always the most active principles motivating the actions of men.*’<sup>40</sup> Bayle developed this argument further than Nicole would have been willing to entertain, ultimately declaring that if *amour-propre* rather than love of God could motivate the appearance of virtue, then there was no reason why a society of atheists would not be able to subsist just as well as a society of pagans or, implicitly, even Christians:

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<sup>33</sup> Bayle, *Philosophical Commentary*, p. 226.

<sup>34</sup> Hobbes’s position on the sovereign’s control over the externalities of religion varied between his works; the only time that Hobbes was mentioned in Bayle’s *Philosophical Commentary* (p. 386) the work in question was *De Cive*.

<sup>35</sup> See also Weinstein, ‘Pierre Bayle’s Atheistic Politics’, pp. 206-210.

<sup>36</sup> Bayle, *Philosophical Commentary*, pp. 185-198.

<sup>37</sup> Bayle, *Various Thoughts*, p. 106. Bayle’s *Dictionary* article does not appear so positive, in which he argued that Nicole’s works (the *Moral Essays* excluded) ‘can unfortunately encourage in their perverse dispositions all who have a leaning towards Pyrrhonism,’ see ‘Nicole’, *PW*, p. 200. Given Bayle’s irony and scepticism, however, this could of course be read as a veiled compliment.

<sup>38</sup> Bayle, *Various Thoughts*, p. 205.

<sup>39</sup> Bayle, *Various Thoughts*, p. 173.

<sup>40</sup> Bayle, ‘First Clarification: On Atheists’, *PW*, pp. 313.

I will not hesitate to say that if one wants to know my conjecture concerning what a society of atheists would be like in regard to morals and civil actions, it would be very much like a society of pagans. It is true that very severe laws would be necessary there, ones very well executed with a view to the punishment of criminals. But are they not necessary everywhere? ...One can say without being a ranter that human justice constitutes the virtue of the majority of the world, for when it relaxes the check on a given sin, few persons keep themselves from it.<sup>41</sup>

At every turn, Bayle argued that pagan societies were at least as successful as Christian ones in preserving the social order and that rarely does religion motivate men to observe the civil laws beyond the force that those laws generate in and as of themselves. Justice must be thought about in terms of the social rather than the religious order, thus there was no reason why atheists should not be tolerated. Particular differences about the role of religion in society aside then, both Hobbes and Bayle were in general agreement that the influence of separate ecclesiastical powers would only ever serve to undermine the authority of the civil sovereign, and that the ‘virtue of a subject is comprehended wholly in obedience to the laws of the commonwealth.’<sup>42</sup>

Even if Bayle’s Hobbism was less than explicit in his earlier works, there is a continuity of interest that runs throughout his thought, which provides the context for the discussion of Hobbes that is to be found in his *Dictionary*. Turning to that article now, there are several elements worth highlighting. The first is the positive light in which Hobbes is presented. Bayle introduced Hobbes as ‘one of the greatest minds of the seventeenth century,’ a man who loved his country and was loyal to his king.<sup>43</sup> Of *De Cive*, he wrote that despite taking some things too far, the ‘fundamentals of politics had never previously been analysed so well’ and Bayle quoted Descartes to support his claim that Hobbes was more skilled as a moralist than in physics or metaphysics, thus clearing the way for the moral and political emphasis that would follow.<sup>44</sup> Bayle’s article is not unreservedly positive, yet the most interesting aspects are those where Hobbes is praised and the similarities between Hobbes and Bayle are revealed.

Bayle’s positive portrayal was, in part, an attempt to defend Hobbes from the charge of atheism. Bayle insisted that it is ‘undeniable that no accusation has been more seriously abused than that of atheism’, a comment that could be applied as equally to his own treatment as to that of Hobbes.<sup>45</sup> In defending Hobbes, Bayle’s account further discloses the affinities that he perceived them to have shared. Despite having been thought an atheist, Bayle asserted that Hobbes believed ‘that there is a God who is the origin of all things but who ought not to be circumscribed within the sphere of our narrow reason.’ Bayle here offered a sceptical interpretation of Hobbes’s religious beliefs, presenting them as closer to fideism than atheism.

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<sup>41</sup> Bayle, *Various Thoughts*, p. 200.

<sup>42</sup> Hobbes, *Behemoth* [1679], p. 44.

<sup>43</sup> Bayle, ‘Hobbes’, *PW*, pp. 79-80.

<sup>44</sup> Bayle, ‘Hobbes’, *PW*, pp. 84-87.

<sup>45</sup> Whether or not Bayle himself was an atheist is a question that has proved almost as contentious as Hobbes’s alleged atheism, see Weinstein, ‘Pierre Bayle’s Atheistic Politics’, pp. 197-198.

This, however, was not the thrust of Bayle's article, for even if Hobbes was taken to be an atheist, anyone who knew him would confirm that he both valued and loved virtue, of which his works proved further testimony.<sup>46</sup> Atheism was not only a false accusation to level at Hobbes, but it was irrelevant to the issue of his virtue and love for his country.

Bayle's article is especially interesting as it was quite unique, at least in French commentaries of the time, in placing Hobbes's thought in its historical context.<sup>47</sup> Both *De Cive* and *Leviathan* are set against the political controversies of seventeenth-century England, and in this context Bayle stressed that the central message of *Leviathan* was the importance of seeking peace:

The *précis* of this work is that without peace there is no safety in a state, and that peace cannot exist without command, nor command without arms; and that arms are worth nothing if they are not in the hands of one person; and that fear of arms cannot bring peace to those who are motivated to fight one another through an evil more terrible than death, that is to say: through dissension over matters that are necessary for salvation.<sup>48</sup>

It is well to remember that no French edition of *Leviathan* existed in the eighteenth century and, although the Latin version would have been available, Bayle's article proved a principal source for many discussions of the work and its author. Apart from being a fairly accurate overview of the central message of *Leviathan*, the passage is of note for at least two other reasons. Hobbes was quite rightly taken to be a supporter of monarchy, and when Bayle claimed that he thought that arms have to be in the hands of 'one person', there is little to suggest anything other than a natural reading was intended. For Hobbes, of course, the 'one person' was a single moral body, namely the sovereign, yet this need not be a single individual. Whether or not Bayle recognised this would be difficult to prove either way; nevertheless, the monarchical misassumption that Hobbes's sovereign had to be one individual person would become commonplace in eighteenth-century French references to Hobbes, and Bayle's article was quite possibly of some influence in shaping this view.

The other reason that the passage is of interest is that it once again reflects concerns from Bayle's earliest works by signalling that the use of religion is frequently opposed to peace as it motivates those to fight by promising rewards in an afterlife. Whilst Bayle would not grant the sovereign as much power over religion as Hobbes might have, he did support Hobbes as far as he claimed that the power of the church only served to undermine the civil power – and with it peace and security – and therefore must not possess independent authority. Bayle was unique in defending Hobbes on this issue at the time, and it is a matter of some irony that when Rousseau later invoked Hobbes in his discussion of civil religion as 'the only one who correctly

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<sup>46</sup> Bayle, 'Hobbes', *PW*, pp. 88-89.

<sup>47</sup> Bayle's own references reveal that much of this context is drawn from the Latin edition of the *Life of Hobbes* [1682], 'Hobbes', *PW*, pp. 80-81.

<sup>48</sup> Bayle, 'Hobbes', *PW*, pp. 87-88.

saw the evil and the remedy', he did so in direct opposition to Bayle.<sup>49</sup>

A final point to highlight in Bayle's article is that he not only set Hobbes's thought in the context of the political controversies of the English Civil War, but also those between republicans and monarchists. Bayle traced this theme throughout Hobbes's writings, beginning with his translation of Thucydides in which he claimed that Hobbes sought to illustrate the 'disorders and confusions of democratic government'. In this he was opposed to 'the works of the Greeks and Romans in which anti-monarchical theories abound, and where there are many examples of the love of liberty.'<sup>50</sup> Bayle viewed republicanism in contradistinction to monarchy,<sup>51</sup> and although this element of Hobbes's thought would be neglected by many eighteenth-century French commentators, Rousseau followed Bayle in reading Hobbes as someone who wrote against the claims of all republics.<sup>52</sup>

Bayle's article provides an apt starting point for considering Hobbes's eighteenth-century French reception, yet to understand how Bayle's concerns with Hobbes were shaped it is important to consider the article in the wider context of his thought. Bayle's was certainly not the first to focus predominantly on Hobbes's political thought, his most significant forerunner being Nicole and, in many respects, Bayle presents a progression of Nicole's theory. Yet there were good reasons why, with Bayle, the political and moral dimensions of Hobbes's thought took centre stage, for, like Hobbes, Bayle sought to identify a distinctively political realm free from the influence of religious authorities.

Even though Bayle did not discuss Hobbes's state of nature theory in detail in his *Dictionary* article, his other writings reveal him to have endorsed Hobbes's depiction of man's state without civil laws and account of the passions that give rise to conflict. Bayle was by no means unique in doing so, Nicole having stated that as a descriptive device Hobbes's account was accurate even if it should not be taken as morally acceptable. It is well to highlight that at the turn of the eighteenth century Hobbes's state of nature theory, which would frequently be contested following Barbeyrac and Montesquieu, was not subjected to significant criticism by many of his French readers.

Bayle's interest in Hobbes was primarily political, thus he evaded Hobbes's metaphysical arguments and mechanistic philosophy with a dismissive quote from Descartes and this would in turn characterise much of Hobbes's eighteenth-century reception. There are, of course, other important considerations that would lead to the predominantly political emphasis of this reception, not least that the French translation of *De Cive* was the most readily available of his works. Yet this emphasis was also due to the contingent interests that Bayle (and Nicole before him) shared with Hobbes, which shaped the account of his influential *Dictionary*

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<sup>49</sup> Rousseau, *On the Social Contract, or Principles of Political Right* [1762], *CW*4:218-219/ *OC*3:463-464; see also Chapter Three, 'Unity and civil religion'.

<sup>50</sup> Bayle, 'Hobbes', *PW*, pp. 79-84.

<sup>51</sup> This opposition is perhaps clearest in Bayle's article 'Bodin', *PW*, pp. 19-20.

<sup>52</sup> Rousseau, *Letters from the Mountain*, *CW*9:235/ *OC*3:811.



entry. At the turn of the eighteenth century, however, this political emphasis remained far from ubiquitous and an important counterpoint can be found in the writings of Nicolas Malebranche.

### Malebranche's critique of Hobbes

There is reason to think that Malebranche all but neglected Hobbes, since his references are fleeting and reveal no great depth of engagement with Hobbes's work.<sup>53</sup> Moreover, Malebranche's thought was frequently neglected or rejected by the French *philosophes*, who were generally more indebted to Locke. Yet, as Patrick Riley has been foremost in showing, Rousseau was greatly influenced by Malebranche,<sup>54</sup> and the criticisms that Malebranche levelled at Hobbes foreshadow those that Rousseau would later employ against his materialist contemporaries.

Whereas commentators like Nicole and Bayle focused principally on the political and moral aspects of Hobbes's thought, Malebranche's criticisms also stemmed from epistemological, metaphysical and theological concerns. There are three general areas of Hobbes's philosophy that Malebranche attacked: his materialism, what now might be termed as his positivism, and his alleged founding of justice on *amour-propre*. Malebranche's references thus reveal him to have been concerned with aspects of Hobbes's thought that were in decline towards the end of the seventeenth century and into the eighteenth century in France. For this reason his remarks are of added interest as they go some way to bridging Hobbes's initial readers' focus on his scientific and natural philosophy, with the emphasis on his more overtly political thought that characterised the French reception in the first half of the eighteenth century.

Where Hobbes's immediate reception in France was positive, Malebranche's opinion was unreservedly negative; where the Mersenne circle had applauded Hobbes's mechanistic philosophy, it was this that Malebranche found most objectionable. Malebranche strongly opposed the empiricism and materialism that he viewed Hobbes and Locke as sharing. Both Hobbes and Locke dissolved the distinction between ideas and the perceptions that we have of them. Whereas perceptions might differ between individuals or might be deceptive – or, in short, are subjective – ideas are eternal and immutable and to neglect this was to commit the most dangerous of errors.<sup>55</sup> Malebranche elucidated the nature of this danger in a letter to François de Fénelon where he reiterated his objections against Hobbes and Locke, claiming that if ideas are not distinguished from our perceptions then Pyrrhonism would be established and there would be neither truth nor falsity, justice nor injustice, science nor morality.<sup>56</sup>

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<sup>53</sup> Malcolm, *Aspects of Hobbes*, pp. 498-499.

<sup>54</sup> Riley, *The General Will Before Rousseau*, pp. 181-250. Rousseau was reading Malebranche during the late 1730s, a formative period during his philosophical development, see the *Confessions*, *CW*5:198-199/*OC*1:237; *The Orchard of Madame the Baronne de Warens* [1739], *CW*12:8/*OC*2:1128.

<sup>55</sup> Malebranche, *Entretien d'un Philosophe Chrétien et d'un Philosophe Chinois sur l'Existence et la Nature de Dieu* [1707], *Œuvres*, vol. XV, pp. 51-52.

<sup>56</sup> Malebranche, 'Lettre à F. Fénelon, Juin 1713', *Œuvres*, XIX, p. 842. For a partial translation of the

For Malebranche, moral ideas could not arise from perception alone, thus empiricism would fail to give an account of moral necessity. To reduce all phenomena to properties of matter in motion was to explain everything in physical terms, effacing the moral realm associated with the mind as a distinct entity. Malebranche's radical dualism consisted of mind and matter having little effect on one another,<sup>57</sup> whereas Hobbes's materialism collapsed the very distinction that Malebranche thought so essential. If human action followed from empirical perceptions then there would be no real distinction between perceiving and willing. For Malebranche, a dualistic account of mind and matter was therefore necessary to preserve man's freedom and in turn all morality. This is a theme that Rousseau would later adopt throughout his attacks on the materialist philosophy of his contemporaries, objecting that they had failed to comprehend the respective properties of mind and matter, and invoking a Plato or a Samuel Clarke to refute their reliance on Locke's metaphysics:

Then explaining to them the distinction between the two substances, he would have proven to them by the very properties of matter that, whatever Locke may say about it, the supposition of matter thinking is a genuine absurdity.<sup>58</sup>

As Rousseau recognised, the materialism of the *philosophes* owed a great deal to Locke, who in eighteenth-century France was frequently read as a materialist, a determinist and an opponent of free will.<sup>59</sup> This reading of Locke, however, was actually quite Hobbesian. Voltaire even praised Hobbes for anticipating Locke's argument that God could communicate thought to matter; an argument that Voltaire thought revealed the sophistry behind the philosophy of Clarke and Malebranche.<sup>60</sup> Although he only explicitly attacked Locke's influence, it is quite possible that Rousseau followed Malebranche in thinking that Hobbes and Locke shared equally erroneous accounts of the properties of mind and matter. Moreover, criticism of Hobbes's materialism was not confined to Malebranche and it is well to note that Clarke's *A Demonstration of the Being and Attributes of God*, which was translated into French in 1717, was set out directly against the doctrines and followers of Hobbes and Spinoza.<sup>61</sup> Like Malebranche, Clarke charged Hobbes

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letter and commentary see Riley, *The General Will Before Rousseau*, p. 125.

<sup>57</sup> Indeed God provided the only connection: what man wills only serves as the occasion for God to bring about the corresponding actions in our bodies. However, this is not to suggest the Malebranche's occasionalism was driven by the need to provide a response to the mind-body problem, see Nadler, 'Occasionalism', pp. 6-22.

<sup>58</sup> Rousseau, *Letter to Franquière*, CW8:261/ OC4:1135-1136. Rousseau also invoked the authority of the 'illustrious Clarke' in the 'Profession of Faith of the Savoyard Vicar', *Emile*, CW13:429/ OC4:570. It has been questioned whether this reference should be taken at face value given the notable differences between Clarke's proofs for the existence of God and those expressed by the Vicar, see Masters, 'Rousseau and the "Illustrious Clarke"', pp. 41-50; Attfield, 'Rousseau, Clarke, Butler and Critiques of Deism', pp. 433-434. However, the invocation of Clarke may well have been sincere if it is taken only to support Rousseau's arguments against materialism. The reference is in a passage where Rousseau claimed that reading Clarke would enlighten the world from 'materialism of every kind', and the reference in the *Letter to Franquière* further supports this reading.

<sup>59</sup> Hutchison, *Locke in France*, pp. 160-201.

<sup>60</sup> 'Voltaire to Jean Baptiste Nicolas Formont, c. 15 August 1733', *Voltaire's Correspondence*, pp. 127-128.

<sup>61</sup> Hobbes and Spinoza were also attacked together along similar grounds in the second dialogue of

with having confused the properties of mind and matter and having rested his philosophy on that prodigiously absurd Supposition, that All Matter, as Matter, is indued not only with Figure and a Capacity of Motion, but also with an actual Sense of Perception; and wants only the Organs and Memory of Animals, to express its Sensation.<sup>62</sup>

For Clarke, it was the very confusion of mind and matter that led Hobbes and Spinoza to reject freedom of the will.<sup>63</sup> Accordingly, such materialism was subversive of all morality as people could not be held responsible for their actions, for ‘to Act necessarily, is really and properly not to Act at all, but only to be Acted upon.’<sup>64</sup> The attack on Hobbes’s materialism was also taken up by the German Gottfried Leibniz, who produced arguably his most important work in French.<sup>65</sup> The *Theodicy*, written to counter the arguments of Pierre Bayle, revealed a great debt to Malebranche, and Leibniz criticised Hobbes along the same lines by attempting to combat his materialism which would eliminate all freedom:

After all, I think that one must not reproach any but the adherents of Hobbes and Spinoza with destroying freedom and contingency... Hobbes made everything material and subjected it to mathematical laws alone<sup>66</sup>

In an appendix to the work, Leibniz considered at greater length Hobbes’s ideas concerning liberty and necessity, providing a summary and commentary on the debate between Hobbes and Bishop Bramhall, and warning against the implications of Hobbes’s theory for justice and morality.<sup>67</sup> However, his opposition to Hobbes was qualified, especially in comparison with Malebranche’s. Leibniz considered that Hobbes’s works merited being studied as they ‘usually contain something good and ingenious’,<sup>68</sup> and he had once written to Hobbes that ‘I shall, God willing, always publically declare, that I know of no other writer who has philosophized as precisely, as clearly, and as elegantly as you have’;<sup>69</sup> a promise that he would repeatedly fail to keep. Despite the differences between their own theories of freedom, Leibniz and Malebranche

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Bernard Lamy’s *Démonstration de la vérité et de la sainteté de la moral chrétienne* [1688], see Morceau, ‘Lamy’, p. 678. Lamy was a disciple of Malebranche and Rousseau held his work in high esteem, *Confessions*, CW5:194/ OC1:232.

<sup>62</sup> Clarke, *Demonstration* [1705], p. 93.

<sup>63</sup> Clarke, *Demonstration*, pp. 142-162.

<sup>64</sup> Clarke, *Demonstration*, p. 101. Although Rousseau praised Clarke’s account of mind and matter they did disagree over the extent of God’s omnipotence with respect to matter. Rousseau insisted that God could neither create nor destroy matter, *Letter to Franquières*, CW8:266/ OC4:1142; *Julie, or the New Heloise: Letters of two Lovers who live in a small town at the foot of the Alps* [1761], CW6:487/ OC2:595-596. By contrast, Clarke thought that such a claim undermined God’s infinite power and that only atheists held such confused ideas, *Demonstration*, pp. 76, 123-126.

<sup>65</sup> The influence of Leibniz’s *Theodicy* on Rousseau is most evident in his debate with Voltaire over optimism following the Lisbon earthquake of 1755, see the *Letter from J.J. Rousseau to Mr. de Voltaire* [1756], CW3:108-121/ OC4:1059-1075.

<sup>66</sup> Leibniz, *Theodicy* [1710], p. 348; see also pp. 159-161, 234.

<sup>67</sup> Leibniz, ‘Reflexions on the Work that Mr. Hobbes Published in England on ‘Freedom, Necessity and Chance’’, *Theodicy*, pp. 393-404.

<sup>68</sup> Leibniz, ‘Reflexions’, p. 393.

<sup>69</sup> ‘Gottfried Wilhelm Leibniz to Hobbes, 23 July 1670’, in Hobbes, *Correspondence*, p. 720. The letter never reached Hobbes.

were nonetheless in agreement regarding their opposition to Hobbes's materialism, and similarly they both took issue with his political theory and account of natural law.

As Riley has argued, whilst not a political philosopher *per se*, Malebranche's work was full of half-political notions that thinkers such as Diderot and Rousseau would later develop and employ,<sup>70</sup> and it is worth stressing how quickly Malebranche himself moved to derive political and moral implications from his metaphysical (and theological) premises. In his final work, Malebranche once again aligned Hobbes and Locke, objecting that they had made the right to do whatever one wills the foundation of all morality. To contest these insidious doctrines, which if extended to God would lead to voluntarism, Malebranche insisted that the source of morality must be derived only from the ideas of reason and the eternal law of justice.<sup>71</sup> For Malebranche, the pernicious political implications of Hobbism followed logically from the theological dangers. In each case he insisted on eternal uniform laws of justice, thus his objection to positivism and voluntarism were one and the same. Malebranche's repudiation of Hobbesian positivism is worth noting as it rehearses arguments that would be taken up by Leibniz and become the point of some contention during the development of natural law theory in the early eighteenth century. Just as Malebranche had argued for eternal laws of justice against Hobbes, Leibniz would likewise accuse Pufendorf of Hobbism on the same grounds; a debate which Jean Barbeyrac would then bring to bear on the French reception of natural law.

Whilst on a few occasions towards the end of his life Malebranche attacked Hobbes explicitly, and often in conjunction with Locke, one of his most developed criticisms is to be found towards the end of the eighth of his *Dialogues on Metaphysics and Religion*, first published in 1688, the same year that a collection of Hobbes's Latin works became widely available to European audiences with the publication of the *Opera Philosophica*. Although Hobbes is not mentioned by name, it is most probable that Malebranche had him in mind, as he turned from a discussion of God and His attributes to argue for eternal laws of justice against Hobbesian foundations of morality:

The just and the unjust, as well as the true and the false, are not inventions of the human mind, as certain corrupt minds maintain. People, they say, have made laws for their mutual conservation. It is on the basis of *amour-propre* that they have founded them. They agree among themselves and are thereby obligated. For people who break the agreement, discovering themselves weaker than the other contracting parties, find themselves among enemies who satisfy their *amour-propre* by punishing them. Thus, they should observe the laws of the country in which they live from *amour-propre*, not because they are just in themselves, for they say that overseas entirely contrary ones are observed, but because in submitting to them they have nothing to fear from those who are stronger. According to them, everything is permitted to everyone by nature. Each individual has the right to everything, and if I cede my right it is because the force of competitors obliges me to do so.

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<sup>70</sup> Riley, *The General Will Before Rousseau*, pp. 52-54.

<sup>71</sup> Malebranche, *Réflexions sur la Prémotion Physique* [1715], *Œuvres*, XVI, p. 98. See also Riley, *The General Will Before Rousseau*, pp. 56-57.

Thus *amour-propre* is the rule of my actions. My law is an external power, and were I the stronger I would by nature recover all my rights. Can anything more brutal and insane be said?<sup>72</sup>

The passage anticipates those themes present in Malebranche's later works (already discussed) where Hobbes is targeted explicitly. Justice and truth, to be real and no more than chimeras, must be based on eternal laws and not determined by the will of individuals contracting together, which would render the essential qualities of justice (which Malebranche thought eternal and immutable) different in each society. Malebranche concluded the dialogue by reasserting that the eternal laws of justice must be maintained against 'those rare geniuses who believe that in *amour-propre* they have found the true principles of natural morality.'<sup>73</sup> Of interest presently is not so much what Malebranche had to say about eternal laws of justice but rather his remarks concerning *amour-propre*. Nowhere is his fundamental opposition to Hobbes clearer: Malebranche accused Hobbes of making *amour-propre* the source of all justice and morality. This criticism would recur throughout much eighteenth-century French thought and it is well to note that some of Rousseau's earliest comments on *amour-propre* were set out in opposition to Hobbes.<sup>74</sup>

Although Malebranche was very critical of Hobbes's account of *amour-propre*, he also maintained that the passion was not itself a vice, and on this point it is worth comparing his position with that of Pierre Nicole. For Nicole, to recall, *amour-propre* could be directed to imitate virtue, but morally speaking the passion itself was always contrary to genuine virtue. In no way could *amour-propre* lead to man's perfection because even though its effects mirrored those of charity, the psychological disposition of men motivated by *amour-propre* was necessarily opposed to the disposition of men acting from charity.

For Malebranche too, virtue consisted in loving order above all things and it was not sufficient to only love it when it agrees with our *amour-propre*,<sup>75</sup> yet by treating *amour-propre* on a purely psychological level he rendered the passion morally neutral. Malebranche hence claimed that *amour-propre* (or the desire of being happy) was 'neither virtue nor vice',<sup>76</sup> rather if it could be enlightened it could lead men to virtue.<sup>77</sup> Malebranche was thus one of the first thinkers to break with the generally pejorative use of *amour-propre* that prevailed in seventeenth-century French moral philosophy and clearly state that it could lead men to either *genuine* virtue or vice. Here again, Malebranche's discussion of *amour-propre* and its relation to

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<sup>72</sup> Malebranche, *Dialogues on Metaphysics and Religion* [1688], p. 144.

<sup>73</sup> Malebranche, *Dialogues on Metaphysics and Religion*, p. 147.

<sup>74</sup> Rousseau, *Second Discourse*, CW3:36/ OC3:154. Although this was not the first occasion that he discussed *amour-propre*, in the note to the passage Rousseau drew his all important distinction between *amour-propre* and *amour de soi-même* for the first time, CW3:91/ OC3:219.

<sup>75</sup> Malebranche, *Traité de Morale* [1684], *Œuvres*, XI, pp. 28, 47, 269.

<sup>76</sup> 'Ainsi l'amour propre, le desir d'être heureux n'est ni vertu ni vice', Malebranche, *Traité de Morale*, *Œuvres*, XI, p. 270.

<sup>77</sup> Malebranche, *Traité de Morale*, *Œuvres*, XI, p. 271.

virtue and vice closely resembled that which Rousseau would later develop; indeed it is a point of some significance to recognise that Rousseau followed Malebranche in both criticising Hobbes's account of *amour-propre* whilst also maintaining the passion's neutrality in and of itself and its potential to be directed towards virtue.<sup>78</sup>

Malebranche, of course, did not go so far as to claim that *amour-propre* was the foundation of justice – the opinion that he associated with Hobbes – as justice was not to be founded on man's psychological nature. Justice, for Malebranche, was a transcendent standard, whereas Hobbes's alleged positivism reduced it to the will of the sovereign. Malebranche's criticisms of Hobbes would lie dormant for much of the eighteenth century in France, discredited as he was by many of the *philosophes*. Yet Rousseau, in opposing the *philosophes*, would revive Malebranche's criticisms not just against Hobbes but also against modern natural law theory more generally.

### **Barbeyrac, Burlamaqui and natural law**

The most frequent context in which Rousseau would address Hobbes's ideas was alongside those of other natural law theorists. The reception of natural law theory in France is a subject that has received relatively little attention.<sup>79</sup> Compared with other European countries in the eighteenth century it might seem unusual to even think of there being a distinctively French natural law tradition and there were no seminal works of natural law written in the French language (or by French authors) in the late seventeenth or early eighteenth century.<sup>80</sup>

That there were no great French works of natural law during this period is not to say that natural law was of little influence. In France, and to a greater extent in Geneva, natural law theories were being contested and employed in the political controversies of the time.<sup>81</sup> Two thinkers in particular occupy an elevated position in the transmission of modern natural law, especially with regards to Rousseau: Jean Barbeyrac and Jean-Jacques Burlamaqui, both of whom were best known for having delivered a compendium of natural law thought into French, with each having made explicit their intention to contribute to a well grounded education in the subject.<sup>82</sup>

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<sup>78</sup> See Chapter Four, 'Neutralising *amour-propre*'. To be sure, Rousseau's definition of *amour-propre* was narrower than that of Malebranche and other neo-Augustinian French moralists. However, the word *amour-propre* retained important moral and theological connotations, even when the conceptual content that the word was taken to signify changed.

<sup>79</sup> One recent exception is provided by Schröder, 'Natural Law and Enlightenment', pp. 297-303. With respect to Rousseau the seminal study remains that by Derathé, *Rousseau et la Science Politique*. More recently see Silvestrini, 'Rousseau, Pufendorf and the natural law tradition'.

<sup>80</sup> For instance it is much more common to speak of German and Scottish natural law traditions. See respectively Haakonssen, 'German natural law', and Moore, 'Natural rights in the Scottish Enlightenment'.

<sup>81</sup> For Geneva see Rosenblatt, *Rousseau and Geneva*, especially pp. 88-158.

<sup>82</sup> Burlamaqui 'THE Author's Advertisement', to his *Principles of Natural Law*, in *The Principles of Natural and Political Law*, p. 7 (all references to Burlamaqui are to the two volumes that comprise this work, *The Principles of Natural Law* and *The Principles of Political Law*); Barbeyrac, 'An Historical and

Burlamaqui supplied what may well be viewed as the first eighteenth-century treatise on natural law composed in French, *The Principles of Natural and Political Law*,<sup>83</sup> a work that although now often overlooked was of great influence at the time. However, the greatest contribution to the French reception of natural law was provided by Barbeyrac, who translated the principal works of Grotius, Pufendorf and Cumberland in widely read editions.<sup>84</sup> Accompanying the translations Barbeyrac included extensive notes and commentary that often distorted the original arguments in crucial respects, and in many editions his own discourses were also added. The most famous of these, now best known as ‘An Historical and Critical Account of the Science of Morality’, was published as the preface to Pufendorf’s *Of the Law of Nature and Nations*, and provides one of the first examples of a new genre, the history of moral science, that Barbeyrac was instrumental in advancing.<sup>85</sup>

According to Barbeyrac, Grotius was the first modern ‘who broke the Ice’ by composing a complete system of the laws of nature. He might have been inspired by Francis Bacon but he was not surpassed by either of the Englishmen who followed him, John Selden or Thomas Hobbes. Selden is briefly dismissed as a disordered and obscure writer who derived the laws of nature from the precepts given to Noah rather than from right reason, before Barbeyrac turned to examine with greater attention both Hobbes’s *De Cive* and *Leviathan*.<sup>86</sup>

Barbeyrac’s opinion of Hobbes was predominantly critical, and his principal charges were four: (1) that he had established the dangerous hypothesis of Epicurus making self-preservation and individual interest the origin of societies; (2) that he had ascribed to men the will and power to hurt one another thus rendering the state of nature a state of war; (3) that he had given unlimited authority to kings over both the state and religion; (4) that he had made the sovereign the judge of what is just and unjust and claimed that only his power, and not divine will, can bind the conscience. Barbeyrac did defer to Bayle’s judgement of Hobbes that ‘no one

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Critical Account’, p. 85.

<sup>83</sup> Burlamaqui only oversaw the publication of his *Principles of Natural Law*, which was published in 1747. He never intended the *Principles of Political Law* to be published, which it was posthumously in 1751. Burlamaqui’s one time student, Emer de Vattel, had earlier written his short *Essay on the Foundation of Natural Law*, first published in 1747. Vattel’s seminal work, *The Law of Nations*, was not published until 1758, however, and there is little evidence that Rousseau was familiar with Vattel’s works.

<sup>84</sup> Grotius’s *De Iure Belli ac Pacis* [1625] was published in a Latin edition by Barbeyrac in 1720, which he then translated into French with extensive notes in 1724 as *Le Droit de la Guerre et de la Paix*. John Morrice, who had translated *De Iure* into English in 1715, then translated Barbeyrac’s French edition along with the notes in 1738, as *The Rights of War and Peace*. Barbeyrac translated Pufendorf’s *De Iure Naturae et Gentium* [1672] into French in 1706 as *La Droit de la Nature et des Gens*. Basil Kennet’s English translation, *Of the Law of Nature and Nations* [1729], included a translation of Barbeyrac’s notes and preface, the latter entitled ‘An Historical and Critical Account of the SCIENCE of MORALITY’. Barbeyrac translated Pufendorf’s *De Officio Hominis et Civis* [1673] into French in 1707 as *Les Devoirs de l’Homme et du Citoyen*. Andrew Tooke translated *De Officio* into English in 1691 as *The Whole Duty of Man*, and subsequently anonymously edited fourth [1716] and fifth [1735] editions accompanied this with a translation of Barbeyrac’s footnotes. Barbeyrac translated Cumberland’s *De Legibus Naturae* [1672] into French in 1744 as *Traité Philosophique des Loix Naturelles*.

<sup>85</sup> On Barbeyrac’s contribution to this genre, see Tuck, *Natural Rights Theories*, pp. 174-175.

<sup>86</sup> Barbeyrac, ‘Historical and Critical Account’, pp. 79-80. Elsewhere, in his response to Leibniz, Barbeyrac asserted that Grotius was ‘the first to have systematized a science that, prior to him, was nothing but confusion and, more often than not, impenetrable darkness.’ See ‘Judgement of an Anonymous Writer’ [1718], p. 272.

has ever yet penetrated so far into the Foundations of Civil Policy',<sup>87</sup> yet where the tone of Bayle's article was generally positive with some criticism, Barbeyrac's was generally negative with some approval.

These points will be returned to shortly; but first the manner in which Barbeyrac proceeded to align Pufendorf and Grotius against Hobbes should be elucidated. For Barbeyrac, Pufendorf provided the most developed account of modern natural law with the history of the science of morality culminating in *Of the Law of Nature and Nations*. Although Pufendorf meditated deeply on both Grotius and Hobbes, it would only be in the great Grotius's footsteps that he would follow. Barbeyrac compared Pufendorf and Grotius in some detail and ultimately concluded that Pufendorf's work was far more useful. Even so, to advance a systematic understanding of the laws of nature, Barbeyrac maintained that it was essential to read both thinkers and with this in mind he hoped that his editions would 'serve as perpetual Supplements to each other.'<sup>88</sup>

If this was Barbeyrac's aim, then Burlamaqui's *Principles of Natural and Political Law* proved testimony to his achievement. Burlamaqui's deference to Barbeyrac's editions of Grotius and particularly Pufendorf was extensive, with many sections being adopted verbatim. Pufendorf set out much of his theory in direct opposition to Hobbes's principles, especially in *Of the Law of Nature and Nations*, in which his references reveal a familiarity with *De Homine*, *De Cive* and the Latin *Leviathan*. This opposition shaped both Barbeyrac's and Burlamaqui's contributions to natural law. In each case they located themselves as followers of Grotius and especially Pufendorf, developing and adapting their arguments to combat what they perceived to be the dangers of Hobbism. By the 1750s, then, one can speak of a self-identifying French natural law tradition that comprised Barbeyrac's renditions of Grotius and Pufendorf, Barbeyrac himself and Burlamaqui. This tradition viewed itself positively and thus did not include Hobbes as such; rather he provided the *bête-noire* whose arguments had to be refuted.

With this bifurcation outlined, it is worth returning to the criticisms levelled at Hobbes in the 'Historical and Critical Account of the Science of Morality', in order to develop an impression of exactly what Barbeyrac and Burlamaqui perceived to be the dangers of Hobbism. Barbeyrac's first charge, that of Epicureanism, was by no means unique to Hobbes's French reception.<sup>89</sup> The interest in the natural law context, however, is the manner in which Epicureanism was opposed to sociability. Barbeyrac only mentioned Hobbes once in his translation of Grotius's *The Rights of War and Peace*, yet the note added to the discussion of man's desire for society is revealing:

The natural Inclination of Mankind to live in Society is a Principle which has been admitted by the Wise and Learned of all Ages... *Hobbes*, who with still more Warmth than his Master

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<sup>87</sup> Barbeyrac, 'Historical and Critical Account', p. 80; Bayle, 'Hobbes', *PW*, p. 84.

<sup>88</sup> Barbeyrac, 'Historical and Critical Account', pp. 81-85.

<sup>89</sup> For the English context, in which the accusation of Epicureanism levelled at Hobbes was usually directed at his alleged atheism, see Mintz, *The Hunting of Leviathan*, p. 40; Parkin, *Taming the Leviathan*, p. 260.



*Epicurus*, undertook to persuade the World that all men are by Nature so many Wolves one to another.<sup>90</sup>

Barbeyrac, who was largely responsible for the transmission of the language of sociability into eighteenth-century French thought, aligned Grotius, Pufendorf and other earlier theorists of natural sociability against Hobbes's Epicureanism.<sup>91</sup> To be sure, Hobbes had set out his theory against the guiding Aristotelian assumption that man is naturally a sociable and civil creature.<sup>92</sup> Yet it is not evident that the modern theorists of natural sociability so clearly sided with Aristotle over Hobbes; the very distinction that Barbeyrac sought to emphasise. Pufendorf had claimed, in opposition to Hobbes, that the dictates of reason must be deduced from an alternative principle to *amour-propre* to give them the force of law. That principle was sociability, from which the fundamental law of nature followed: '*Every Man ought, as far as in him lies, to promote and preserve a peaceful Sociableness with others, agreeable to the main End and Disposition of [the] human Race in general.*'<sup>93</sup> This, however, might not seem that far removed from Hobbes's principal law, to seek peace when peace can be had, and Pufendorf even insisted that *amour-propre* and sociability should be in no way opposed to one another.<sup>94</sup> Nevertheless, the distinction had been cast between Hobbism and Epicureanism on the one hand, which relied solely on self-interest or *amour-propre*, and sociability on the other, which supposedly did not.<sup>95</sup>

Barbeyrac's note is indicative of his attempts to present Grotius as a proto-Pufendorffian theorist of sociability and to efface any crucial differences between the two. Both Barbeyrac and Burlamaqui adopted Pufendorf's principle of sociability as providing the foundation of all man's duties to other men (although not to oneself or to God), yet each made important revisions in attempting to accentuate the distinction between Hobbes's and Pufendorf's principles.

Barbeyrac went further than Pufendorf in not only refuting Hobbes's alleged reliance on *amour-propre* for providing the foundation of natural law, but also his depiction of life without civil society as being one of misery and danger. Pufendorf had contested Hobbes's account of the state of nature being a war of all against all, claiming that reason would overcome man's

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<sup>90</sup> Barbeyrac's note to Grotius, 'The Preliminary Discourse' to *The Rights of War and Peace*, pp. 79-81.

<sup>91</sup> On Barbeyrac's transmission of the language of sociability see Gordon, *Citizens Without Sovereignty*, especially pp. 62-64.

<sup>92</sup> Hobbes, *De Cive*, I.2, *Cam.*21-25/ *Par.*90-94.

<sup>93</sup> Pufendorf, *Law of Nature and Nations*, ii.iii.xv-xvi.136-139 (all references to the natural law treatises of Grotius, Pufendorf and Burlamaqui are given to book, chapter, section and page number in this form).

<sup>94</sup> C.f. Hobbes, *De Cive*, I.15, *Cam.*31, 34/ *Par.*100, 103. Barbeyrac's Pufendorf uses *amour-propre* to refer to Hobbes's principle throughout this analysis, see Pufendorf, *La Droit de la Nature et des Gens*, vol. I, pp. 177-182.

<sup>95</sup> For Hobbes, natural law was derived from individual self-preservation, whereas for Pufendorf the end of natural law was the preservation of humankind in general; thus sociability included an appeal to humanity over individual interest that was absent from Hobbes's account. On these differences see Saastamoinen, *The Morality of the Fallen Man*, pp. 66-69.

base passions and their natural equality would restrain them from fighting one another.<sup>96</sup> Indeed, for Pufendorf, sociability itself was not a natural instinct but only a dictate of reason for men to join together to live peacefully. Yet when it came to considering the causes that induced men to establish civil society, Pufendorf told a very Hobbesian story in which men joined together to protect themselves from the dangers of other men.<sup>97</sup> Pufendorf, like Hobbes, needed to present life without civil laws as miserable and dangerous in order to justify the necessity and extent of civil authority. Barbeyrac, however, was wary of the power that both had given to the sovereign and did not view the state of nature as such a negative standard. Although Pufendorf had formally claimed that the state of nature was not a state of war, a tension remained with his Hobbesian account of the origin of society, in which it appeared that self-preservation rather than sociability might be doing the work. In response, Barbeyrac rejected Pufendorf's Hobbism with a sentiment that foreshadows the argument that Rousseau would deploy in the *Second Discourse*:

In my Opinion, there is not Reflexion enough made here upon the *Simplicity* of those Times in which *civil Societies* began... The World not being as yet very full of People; and Sensuality or Luxury not having as yet infinitely increas'd the Wants, or rather the Desires of Mankind<sup>98</sup>

Burlamaqui frequently deferred to Barbeyrac's revisions of Pufendorf, but of this point he omitted any discussion. Instead he followed Pufendorf in depicting man's life without civil laws as being one of weakness and ignorance, rendering it 'a state of indigence and incessant wants'.<sup>99</sup> Like Hobbes and Pufendorf before him, Burlamaqui wanted to preserve the negative standard that life without civil laws provided in order to justify the civil state as 'the most perfect, [and] the most reasonable'.<sup>100</sup> Although he may have been less able than Barbeyrac to dissociate his theory from the negative Hobbesian vision of the state of nature, when it came to the charge of Epicureanism Burlamaqui exceeded his predecessors in distancing his account from that associated with Hobbes.

Burlamaqui firmly rejected the idea that self-preservation provided any foundation for natural law. Such an instinct was suitable only to animals, whereas man strives for happiness.<sup>101</sup> Man is a noble creature and to ground natural law on such a base desire would be in conflict with the higher faculties that he has been given from God. Burlamaqui extended the domain of natural law far beyond man's preservation to include both his happiness and perfection.<sup>102</sup> In doing so, Burlamaqui distanced himself from Hobbes by reviving a teleological conception of

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<sup>96</sup> Pufendorf, *Law of Nature and Nations*, ii.ii.v-xi.109-114.

<sup>97</sup> Pufendorf, *Law of Nature and Nations*, vii.i.iv-vii.626-631.

<sup>98</sup> Barbeyrac's note to Pufendorf, *Law of Nature and Nations*, vii.i.vii.629-630.

<sup>99</sup> Burlamaqui, *Principles of Natural Law*, i.iv.iv-v.59-60.

<sup>100</sup> Burlamaqui, *Principles of Political Law*, i.iii.xxvi.287.

<sup>101</sup> Burlamaqui, *Principles of Natural Law*, i.v.iv-vi.65-66.

<sup>102</sup> Burlamaqui, *Principles of Natural Law*, i.ii.i-viii.40-46.

man's nature.<sup>103</sup>

For Hobbes, as Barbeyrac and Burlamaqui understood him, the state of nature was a moral vacuum, no justice prevailed and the laws of nature had no force.<sup>104</sup> Only the sovereign is empowered with the authority to determine what is just and unjust, thus man's obligation is to the judgement of the sovereign rather than to that of his own conscience. Both Barbeyrac and Burlamaqui rejected the idea that life without civil laws was devoid of morality and sought to assert the claims of conscience over the will of the sovereign. This became all the more pertinent following Leibniz's (originally anonymous) criticisms of Pufendorf, which Barbeyrac published alongside his own response in the 1718 fourth edition of his translation of Pufendorf's *Duty of Man*.<sup>105</sup>

Barbeyrac divided Leibniz's critique into twenty sections and replied to each. Of present interest are those in which Leibniz accused Pufendorf of Hobbism. Leibniz claimed that Hobbes had denied the possibility of any obligatory justice in the state of nature. According to Leibniz, by reducing the efficient cause of natural law to the will of a superior Pufendorf encountered the same problem and was unable to prove that it would be injustice for a superior to behave like a tyrant towards his subjects.<sup>106</sup> Barbeyrac's response was dismissive, asserting that in the state of nature all men have a common superior in God, and stressing the gulf between Pufendorf and Hobbes:

Why create monsters for oneself, just in order to fight them? Why draw an odious parallel with Hobbes's principles, which are so diametrically opposed to those of our author?<sup>107</sup>

Yet Barbeyrac's 'Discourse on What is Permitted by the Laws' reveals that, free from having to defend Pufendorf from the charge of Hobbism, he took the challenge of justice existing independently of civil laws a lot more seriously, providing examples from history of unjust laws and concluding

That, I think, is more than enough of what is needed to indicate the extent to which civil laws are liable directly to contradict the clearest laws of nature. And to indicate, in consequence, how very insecure it is to consider civil laws as infallible interpreters of the laws of nature, or as embodying all that is required to provide a model of conduct.<sup>108</sup>

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<sup>103</sup> As mentioned above, Hobbes opposed Aristotle and rejected scholastic teleological accounts of man's nature. Tuck has stressed the extent to which Grotius and Hobbes were influenced by scepticism and thus attempted to devise minimalist accounts of natural law, 'The 'modern' theory of natural law'. This argument, however, is subject to much scholarly debate and even if this was the aim of Grotius and Hobbes, it certainly was not adopted (or possibly even appreciated) by either Barbeyrac or Burlamaqui. See Korkman, *Barbeyrac and Natural Law*, pp. 28, 81-115.

<sup>104</sup> To be sure, even though Hobbes insisted that there is no justice and injustice without a sovereign, sin was still possible, a point often neglected by those who simply characterised Hobbes's state of nature as amoral. See *De Cive*, I.10, *Cam.*28-29/ *Par.*97-98.

<sup>105</sup> For extended discussion of the Pufendorf-Leibniz-Barbeyrac debate, see Schneewind, *The Invention of Autonomy*, pp. 250-259; Korkman, 'Voluntarism and Moral Obligation'; Hunter, 'Conflicting Obligations'.

<sup>106</sup> Leibniz quoted by Barbeyrac, 'Judgement of an Anonymous Writer', pp. 286-287.

<sup>107</sup> Barbeyrac, 'Judgement of an Anonymous Writer', p. 287.

<sup>108</sup> Barbeyrac, 'Discourse on What Is Permitted by the Laws', p. 313. This discourse was delivered by

Barbeyrac surpassed Pufendorf in insisting that even the laws of the most legitimate sovereign must be disobeyed as soon as they conflict with the ‘immutable laws written in our heart’. Man always has recourse to his own conscience over the sovereign to interpret the laws of nature and his conduct must always first be authorised ‘before the tribunal of conscience and reason’.<sup>109</sup> Returning to his defence of Pufendorf, Barbeyrac downplayed the power vested in the sovereign by insisting that the importance of fear and the authority of the sovereign are only in making commands effective, and neither actually give the sovereign any right to command.<sup>110</sup>

Whilst Barbeyrac concentrated primarily on dismissing the Hobbesian claim that justice only begins with the existence of a covenanted sovereign, Burlamaqui was equally intent to prove that justice obligates man prior to the instigation of civil laws. Burlamaqui emphasised the obligatory force of reason to an extent to which neither Pufendorf nor Barbeyrac would have been willing, stressing that ‘obligation, in its original idea, is nothing more than a restriction of liberty, produced by reason... It is therefore true, that all rules are obligatory.’<sup>111</sup> Man could be obliged by his conscience alone, which ‘is properly no more than reason itself’, and is sufficient to provide for morality and duty independent of civil laws.<sup>112</sup>

Burlamaqui even insisted that man has a natural moral instinct, the first example of which is revealed in the immediate sense of compassion that man feels at the sight of another man in misery or pain.<sup>113</sup> Rousseau would employ a virtually identical definition of compassion in the *Second Discourse* to illustrate, against Hobbes, that man is not naturally vicious, and would have concurred with Burlamaqui’s observation that, by reducing morality to the will of the sovereign, Hobbes and others had lost ‘sight of the very nature and internal constitution of man’.<sup>114</sup>

For both Barbeyrac and Burlamaqui, conscience was intimately tied together with their religious convictions.<sup>115</sup> As a result, an important consideration for the French reception of natural law concerned the role of God, as both Barbeyrac and Burlamaqui sought to reassert the importance of God for natural law. Although all the main contributors in the tradition had avowed their belief in God, their theories could be read divorced from their theological commitments, as is evident from Grotius’s infamous claim:

*And indeed, all we have now said would take place, though we should even grant, what without the greatest Wickedness cannot be granted, that there is no God, or that he takes no*

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Barbeyrac in 1715 as Rector of the Lausanne Academy, as was ‘Benefits Conferred by the Laws’ in 1716. They were each published in the year of their delivery before subsequently being published together alongside Barbeyrac’s 1718 edition of Pufendorf’s *Duty of Man*.

<sup>109</sup> Barbeyrac, ‘What Is Permitted by the Laws’, pp. 314-315, 322; ‘Benefits Conferred by the Laws’, pp. 347, 351.

<sup>110</sup> Barbeyrac, ‘Judgement of an Anonymous Writer’, pp. 302-304.

<sup>111</sup> Burlamaqui, *Principles of Natural Law*, ii.vii.vi.183. For extended discussion see Douglass, ‘Rousseau’s Debt to Burlamaqui’, pp. 217-220.

<sup>112</sup> Burlamaqui, *Principles of Natural Law*, ii.vii.viii-x.184-187, ii.ix.ii.197.

<sup>113</sup> Burlamaqui, *Principles of Natural Law*, ii.iii.ii.138.

<sup>114</sup> Burlamaqui, *Principles of Natural Law*, ii.viii.i.192.

<sup>115</sup> For context see Hochstrasser, ‘The Claims of Conscience’, pp. 48-49.

Pufendorf broke from Grotius on this issue and insisted that it was necessary to presuppose God to ground man's obligation to natural law, yet God only played a minimal role in Pufendorf's theory. As Barbeyrac stressed in his defence of Pufendorf against Leibniz, God's role, although minimal, was crucial, as He provided the obligatory force for natural law that the three all took to be notably absent from Hobbes's account of the state of nature. Hobbes's God, if He existed at all, appeared to be doing little or no work in sanctioning the laws of nature.<sup>117</sup> Hobbes, of course, had famously been associated with atheism, a point that Barbeyrac had noted with seemingly some agreement despite Bayle's attempts to prove otherwise.<sup>118</sup>

In his defence of Pufendorf, Barbeyrac emphasised the role of God to a far greater extent than Pufendorf had done, in doing so somewhat distorting the original account. For Barbeyrac, natural law was an expression of divine will and the responsibility to acquiesce in it ultimately resided in the conscience of the individual, again undermining the Hobbesian role that the civil sovereign had in interpreting and providing the obligation for natural law.<sup>119</sup> It was of even greater concern to Burlamaqui to counter Leibniz's objections and provide a justification for God, most clearly revealed by his inclusion of a chapter demonstrating that the immortality of the soul completes the sanction of natural law in accordance with divine wisdom.<sup>120</sup>

This further accounts for the manner in which Hobbes was presented in opposition to the other natural law theorists by Barbeyrac in particular. The role of God was an essential component of natural law theory for Barbeyrac and Burlamaqui, and if Hobbes was an atheist then it was open to dispute whether he could be included in the tradition at all. Indeed it is usual to think of modern natural law as a protestant tradition,<sup>121</sup> which goes some way to explaining its lack of proponents in France and perhaps why two of the greatest contributors to the French reception of natural law were a Huguenot and a Calvinist.

Just as Pufendorf had been concerned to set out much of his natural law theory in

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<sup>116</sup> Grotius, 'The Preliminary Discourse', p. 89. On this point see also Zagorin, who argues that the possibility that natural law might be binding even if God did not exist was by no means unique to Grotius and had been entertained by natural law theorists since at least the fourteenth century, *Hobbes and the Law of Nature*, pp. 17-18.

<sup>117</sup> This analysis is often couched in the language of voluntarism. Schneewind, in particular, takes the Pufendorf–Leibniz–Barbeyrac debate to exemplify the argument between voluntarism and rationalism or intellectualism, *The Invention of Autonomy*, pp. 250-251. However, Barbeyrac defended Pufendorf as providing a middle ground between voluntarism and rationalism, in which 'we equally avoid the two vicious extremes to which men have been drawn on this question', 'Judgement of an Anonymous Writer', p. 297; Korkman, 'Voluntarism and Moral Obligation'.

<sup>118</sup> Barbeyrac, 'Historical and Critical Account', p. 80. According to Rosenblatt, the accusation of Hobbism was tantamount to atheism in early eighteenth-century Geneva, *Rousseau and Geneva*, p. 118.

<sup>119</sup> Barbeyrac, 'Judgement of an Anonymous Writer', especially pp. 290-295.

<sup>120</sup> Burlamaqui, *Principles of Natural Law*, ii.xviii.236-247.

<sup>121</sup> It is generally considered that the onset of modern and Protestant natural law was occasioned by Grotius, in contrast to Suarez who was the last great exponent of the pre-modern and Catholic school of natural law. See Schneewind, *The Invention of Autonomy*, p. 59, and more generally Tierney, *The Idea of Natural Rights*, pp. 316-342.

opposition to Hobbes, so too Barbeyrac and Burlamaqui proceeded to present their arguments as justifications of Pufendorf against Hobbes. This bifurcation is characteristic of the reception of natural law in France and Geneva. The example of Epicureanism (representing Hobbes) being contrasted to sociability (representing Grotius and Pufendorf) illustrates the concerted effort to portray an artificial gulf that belied important similarities between the theorists in question.

One of the most important respects in which natural law was received and modified in the French context concerned the state of nature. In opposition to Hobbes's allegedly amoral state, Barbeyrac and Burlamaqui surpassed Pufendorf in reinvesting the state of nature with notions of God, morality and obligation to natural laws. In doing so, French natural law theory might be viewed as quite removed from its secular, non-teleological roots in Grotius and Hobbes. Although Barbeyrac and Burlamaqui both contested Hobbes's ideas on sovereignty and civil society, they did so almost indirectly, by criticising his state of nature theory. If Hobbes's premises regarding the nature of man and life without civil laws could be refuted then, they assumed, the rest of his account would also be discredited.

The French tradition of natural law, then, identified itself as following in the footsteps of Grotius and Pufendorf and in contesting the odious principles of Hobbes. Barbeyrac and Burlamaqui's persistent anti-Hobbism had the dual effect of rendering Pufendorf a lot less Hobbesian than he really was and rendering themselves a lot less original than they really were. Rousseau appears to have been well aware of this opposition between Hobbes and other natural law theorists and he would later subvert it for his own ends by collapsing the bifurcation and attacking Hobbes and Pufendorf together.

### **Montesquieu against Hobbes**

Whilst the language of modern natural law would shape much of the discourse of political thought in the first half of the eighteenth century, the most important French thinker to write on politics was undoubtedly Charles-Louis de Secondat, Baron de Montesquieu. Although his great biographer dates his interest in political philosophy from as early as 1725 when he was studying Pufendorf,<sup>122</sup> Montesquieu's thought is usually considered as quite distinct from the natural law tradition.<sup>123</sup> Yet his relationship with this tradition is of great interest as, like Rousseau later, he adopted many of their concerns, especially regarding Hobbes, but rejected many of their conclusions. Moreover, the influence of Montesquieu on Rousseau has long been recognised,<sup>124</sup> as has Montesquieu's opposition to Hobbes,<sup>125</sup> hence suggesting that he might have been an

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<sup>122</sup> Shackleton, *Montesquieu*, p. 72.

<sup>123</sup> For a nuanced account of this relationship see Courtney, 'Montesquieu and Natural Law'.

<sup>124</sup> For a summary of the different ways in which Montesquieu has been taken to influence Rousseau see Williams, 'Political Ontology', pp. 525-526.

<sup>125</sup> Most famously, Montesquieu has been depicted as the 'anti-Hobbes' and the *Spirit of the Laws* as the 'anti-Léviathan', Goyard-Fabre, *Montesquieu adversaire de Hobbes*, pp. 3-5, 41-42. Similarly, it has been argued that 'it would not be an overstatement to say that everything of significance in Montesquieu's

important source for the transmission of Hobbes's ideas to Rousseau.

The importance of refuting Hobbes's state of nature theory has been interpreted as a recurrent theme throughout Montesquieu's corpus. The first evidence of this is usually taken from the 'Tale of the Troglodytes' in the *Persian Letters*, in which it is commonly understood that Montesquieu sided with Shaftesbury over Hobbes by arguing that man is naturally virtuous and that justice is not artificial.<sup>126</sup> Montesquieu introduced the 'Tale of the Troglodytes' to persuade Usbek's correspondent, Mirza, of the moral truth concerning a debate over 'whether man's happiness depends on pleasure and the satisfaction of the senses, or on the practice of virtue.'<sup>127</sup> Montesquieu depicted the Troglodytes as a people 'so cruel, so savage, that they were wholly devoid of principles of equity or justice', who, as such, agreed to obey nobody and pursue their own interests without regard for anyone else's needs.<sup>128</sup>

Montesquieu's description resembles that of Hobbes's individuals in the state of nature, and the result is that the Troglodytes were reduced to a miserable condition, 'perished through their own wickedness, and became victims of their own injustice.' However, two Troglodytes survived, and Montesquieu proceeded to give an account of their peaceful and harmonious life founded on the practice of virtue.<sup>129</sup> Even if the Troglodytes are taken to be representative of Hobbes's natural man, the Tale barely serves to refute Hobbes's state of nature theory and, if anything, reinforces it. The first half of the Tale exemplifies the Hobbesian point that men living without civil laws and obedience to a common superior will be drawn into a war of all against all. To this extent the Tale rather seems set out to repudiate the doctrine that private vice leads to public benefits, most readily associated with Bernard Mandeville.<sup>130</sup>

As far as the 'Tale of the Troglodytes' undermines Hobbes's account, it does so by showing that men can enjoy a peaceful existence without the necessity of civil laws, solely through the practice of virtue. However, this is rare – only two of the original Troglodytes were capable of virtue – and it is not long before circumstances required a king to be elected.<sup>131</sup> Nevertheless, Montesquieu's point, to the extent that it resonates against Hobbes at all, was that justice can be founded on man's virtue rather than his self-interest or pleasure. If this is the case then justice and virtue need not be artificial, in the sense that they are not dependent on the establishment of civil laws, a point that Montesquieu would later take up against Hobbes in *The Spirit of the Laws*.

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political philosophy flows from this critique [of Hobbes].’ See Zuckert, ‘Natural Law, Natural Rights, and Classical Liberalism’, p. 243.

<sup>126</sup> For variations on this theme of interpretation see Shackleton, *Montesquieu*, pp. 37-38; Hont, ‘The early Enlightenment debate on commerce and luxury’, p. 405.

<sup>127</sup> Montesquieu, *Persian Letters* [1721], Letter 10, p. 15.

<sup>128</sup> Montesquieu, *Persian Letters*, 11, pp. 15-16.

<sup>129</sup> Montesquieu, *Persian Letters*, 12-13, pp. 18-21.

<sup>130</sup> Desserud, ‘Virtue, Commerce and Moderation’, p. 612. Montesquieu's views would, however, increasingly resemble those of Mandeville on the subject of commerce and luxury. For discussion of the development of Montesquieu's thought, including analysis of the unpublished sequel to the 'Tale of the Troglodytes', see Sonescher, *Before the Deluge*, pp. 95-131.

<sup>131</sup> Montesquieu, *Persian Letters*, 14, pp. 21-22.

The ‘Tale of the Troglodytes’ sought to resolve the question of whether happiness resided in the pursuit of pleasure or virtue, and as such it speaks little to Hobbes’s state of nature theory. That this was not the main concern of the Tale is supported by elsewhere in the *Persian Letters*, where Montesquieu dismissed and ridiculed the whole theory of grounding an account of politics on the instigation of civil society from the state of nature,<sup>132</sup> a point as applicable to modern natural law theorists in general as to Hobbes in particular.

Given this antipathy towards examining the origin of societies, it might seem surprising that the opening chapters of *The Spirit of the Laws* followed the approach common amongst natural law theorists of the time. Montesquieu deemed it necessary to inquire into the laws of nature, thus he commenced by considering man’s nature prior to the institution of society. In doing so he explicitly set out to refute Hobbes, with arguments that to some extent foreshadow those that Rousseau would later deploy for the same purpose. Montesquieu began by denying the Hobbesian premise that men are naturally intrepid and would seek to fight one another:

Such a man would at first feel only his weakness; his timidity would be extreme: and as for evidence, if it is needed on this point, savages have been found in forests; everything makes them tremble, everything makes them flee.<sup>133</sup>

Montesquieu then proceeded to make the point – now most commonly associated with Rousseau but with antecedents at least as far back as Richard Cumberland – that Hobbes had given men motives to attack one another and defend themselves that would only arise following the establishment of societies.<sup>134</sup> Here Montesquieu echoed Barbeyrac’s observation with regards to both Hobbes and Pufendorf, which stressed that not enough reflection had been given on the simplicity of the times from which civil societies began. Montesquieu thus consolidated the interpretation that the state of nature should be understood as representing man’s primitive or original condition rather than just his state in the absence of civil laws, the latter of which provided the normative force for Hobbes’s and Pufendorf’s justifications of sovereignty. To be sure, Montesquieu did not go as far as Rousseau would in historicising the passions that Hobbes attributed to man, yet the seeds of Rousseau’s critique were clearly sown by Montesquieu. It is also important to note another respect in which the discussion anticipates Rousseau’s *Second Discourse*, as even though Montesquieu contested Hobbes’s account of the state of nature, he accepted that once a fixed level of social relations became established a state of war ensued. Man’s natural state might not have been one of war, but the state of war developed alongside society, hence Montesquieu resorted to recounting a Hobbesian story from which the necessity

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<sup>132</sup> Montesquieu, *Persian Letters*, 91, p. 125.

<sup>133</sup> Montesquieu, *Spirit of the Laws* [1748], Book I, Chapter 2 (hereafter I.2), p. 6.

<sup>134</sup> One of Cumberland’s reasons for rejecting Hobbes’s state of war was that the competition for honour and dignity – one of the principal causes of war – had no place in the state of nature prior to the establishment of civil governments, *Philosophical Enquiry into the Laws of Nature*, II.22, p. 422. Barbeyrac’s French translation of Cumberland was published in 1744, four years prior to *The Spirit of the Laws*.



of positive laws arose.<sup>135</sup> However, Montesquieu did not provide a developed account of the origin of societies and, far more importantly, one of the central purposes of the opening chapters of *The Spirit of the Laws* was to contest the positivism of Hobbes. This is a point that Montesquieu later stressed when defending the work (in the third person):

The author has had in mind to contest the system of Hobbes; a terrible system, which, making all the virtues and vices depend on the establishment of laws that men have made, and by wanting to prove that all men are born into a state of war of all against all, overturns, like Spinoza, both all religion and all morality.<sup>136</sup>

Montesquieu asserted that before ‘laws were made, there were possible relations of justice’ and that these relations derive ‘from the nature of things’.<sup>137</sup> Similarly, in the *Persian Letters*, Montesquieu had averred that ‘justice is eternal and independent of human conventions; if it were to depend upon them, that would be a terrible truth which we would have to conceal from ourselves.’<sup>138</sup> Montesquieu rejected both the positivism and contractualism that, in addition to having been employed by Hobbes, recurred more generally throughout the modern natural law tradition.<sup>139</sup> The contrast is well exemplified by comparing Montesquieu’s position with Barbeyrac’s defence of Pufendorf, in which Barbeyrac asserted that obligation to the laws of nature is derived from the will of a superior and ‘is no way grounded in the nature of things.’<sup>140</sup>

In maintaining that justice is eternal and founded on the nature of things, Montesquieu distanced himself from the likes of Hobbes, Pufendorf and Barbeyrac, and instead employed the same arguments that Malebranche and Leibniz had developed against Hobbes. The first book of *The Spirit of the Laws* resembles the modern natural law theorists in approach: examining man’s state prior to civil society, the laws of nature and positive laws. Yet in this context Montesquieu employed anti-Hobbesian arguments resembling those of Malebranche and Leibniz – thinkers less readily associated with natural law – rather than those of Pufendorf and Barbeyrac, which were generally of greater influence at the time. For Montesquieu, Hobbes’s principles were subversive of all morality and justice. By combining the idea that justice is founded on the nature of things – prior to human conventions or the will of a superior – with the approach pursued by modern natural law theorists, Montesquieu would again prove an important

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<sup>135</sup> Montesquieu, *Spirit of the Laws*, I.3, p. 7.

<sup>136</sup> ‘L’auteur a eu en vue d’attaquer le système de Hobbes, système terrible, qui, faisant dépendre toutes les vertus et tous les vices de l’établissement des lois que les hommes se sont faites, et voulant prouver que les hommes naissent tous en état de guerre de tous contre tous, renverse, comme Spinoza, et toute religion et toute morale.’ Montesquieu, *Défense de l’Esprit des Lois* [1748], *Œuvres*, vol. II, pp. 1123.

<sup>137</sup> Montesquieu, *Spirit of the Laws*, I.1, pp. 3-4.

<sup>138</sup> Montesquieu, *Persian Letters*, 81, p. 114.

<sup>139</sup> On this point see Glaziou, *Hobbes en France*, pp. 81-82.

<sup>140</sup> Barbeyrac, ‘Judgement of an Anonymous Writer’, pp. 290-295. To be precise, the differences are somewhat superficial. Barbeyrac and Pufendorf were not adherents of voluntarism and each thought that justice required both right reason and the will of a superior. This point was not addressed by Montesquieu and the manner in which he presented his argument reveals a greater affinity with Malebranche and Leibniz than with the natural law theorists.

precursor of Rousseau's political thought.<sup>141</sup>

The similarities between Montesquieu and modern natural law theorists were of a limited nature, and many of these were confined to the first book of *The Spirit of the Laws*, which is also one of the shortest. Indeed it is well to remark how striking the absence of discussions of sovereignty and the origins of society are from Montesquieu's thought in general and it is evident that he objected to the method by which Hobbes and the modern natural law theorists sought to justify political right. This was not only because they had neglected to found justice on the nature of things, but also because they assumed that a social contract would effectively represent the people. Whether or not society was originally founded on a covenant, people living in society could not be bound to it against their will as they had no part in making it.<sup>142</sup> Montesquieu rejected genetic accounts of political right and social contract theory *tout court*, as is illustrated in his criticism of Hobbes's most advanced articulation of the idea of authorisation as formulated in *Leviathan*:

It is a principle as false as that of Hobbes: that the People having authorised the Prince, the actions of the Prince are the actions of the People, and, consequently, the People cannot complain about the Prince, nor demand of him any account of his actions, because the People cannot complain about the People.<sup>143</sup>

It should be noted that this remark would have been unavailable to Montesquieu's contemporaries, and rather serves only to substantiate his aversion to Hobbes. Although other commentators have suggested that Montesquieu's refutation of Hobbes shaped much of his thought, beyond the passages mentioned here it is difficult to assess the extent to which he was directly engaged with contesting Hobbes, even if abstract conceptual comparison of the two remains of broader interest. As far as Montesquieu contributed to the reception or transmission of Hobbesian ideas to his readers in general, and to Rousseau in particular, his role was far more limited yet no less important.

Two aspects of Hobbes's theory occasioned sustained attacks: first, Montesquieu considered Hobbes's state of nature theory to be either superfluous for examining political right, erroneous in its characterisation of man's primitive condition, or both. Second, Montesquieu followed Malebranche and Leibniz in objecting to Hobbes's alleged positivism, by founding the ideas of justice on the nature of things, rather than on conventions or the will of a superior. Montesquieu's critique is of interest as he attacked Hobbes on similar grounds to the modern natural law theorists, but by also rejecting much of their method, he ultimately levelled

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<sup>141</sup> This interpretation of Rousseau is somewhat contentious, and is defended in Chapter Three, 'Law, nature and denaturing'. More generally see Williams, 'Political Ontology'.

<sup>142</sup> Montesquieu, *Persian Letters*, 74, p. 103.

<sup>143</sup> 'C'est un principe bien faux que celui de Hobbes : que, le Peuple ayant autorisé le Prince, les actions du Prince sont les actions du Peuple, et, par conséquent, le Peuple ne peut pas se plaindre du Prince, ni lui demander aucun compte de ses actions : parce que le Peuple ne peut pas se plaindre du Peuple.' Montesquieu, *Mes Pensées*, no. 601, *Œuvres*, vol. I, p. 1127. Montesquieu's *Pensées* remained unpublished during his life time.

criticisms that resonated as much against natural law theory in general as against Hobbes specifically. In this respect, Montesquieu would prove to be an important source for Rousseau's critique of Hobbes.

### **Diderot and the *Encyclopédie***

Whilst the influence of modern natural law on Montesquieu was somewhat oblique, the reception of Hobbes in the French Enlightenment attests to the prevalence of the natural law tradition in shaping the political discourse of the time. Although Barbeyrac's translations of Grotius, Pufendorf and Cumberland were widely read, the impact of natural law theory remained negligible in the primary concerns and principal writings of the *philosophes*. Rather, when the *philosophes* focused their attention on politics, they exhibited a marked deference to the works of Barbeyrac in particular, and as such only reinforced the prevailing criticisms of Hobbes without adding any original insights. Examination of the *Encyclopédie* proves a case in point.

In 1752 the whole *Encyclopédie* project was put into jeopardy following a relatively unknown contributor, the Abbé Jean-Martin de Prades, being condemned for Hobbism by the University of Sorbonne and the Archbishop of Paris. Prades was forced to take exile in Prussia and at the same time the first two volumes of the *Encyclopédie* were suppressed by the Royal Council. The affair eventually died down and the *Encyclopédie* resumed the following year, but not before both Prades and Diderot had each offered a defence against the charge of Hobbism.<sup>144</sup> This episode proves instructive for understanding the context in which Hobbes's ideas were employed amongst the *philosophes* and in the *Encyclopédie* in particular.<sup>145</sup>

Given the controversy occasioned by the Prades affair it is unsurprising to find that virtually all references to Hobbes in the *Encyclopédie* were negative. Moreover, the discussion was frequently derivative, rarely adding anything to the observations that the likes of Bayle and Barbeyrac had made previously. Most articles in which Hobbes was mentioned consisted of simple repudiations of his state of nature theory, denying that men were naturally in a state of war with one another,<sup>146</sup> or insisting that 'the dark system of Hobbes' undermined the foundations of morality and that he was wrong to assert that there was neither virtue nor natural law anterior to positive law.<sup>147</sup> Of all the contributors no one did more to reproach Hobbes for

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<sup>144</sup> For more comprehensive accounts of the Prades affair, which this brief summary follows, see Thielemann, 'Diderot and Hobbes', pp. 223-228; Glaziou, *Hobbes en France*, pp. 122-130; Malcolm, *Aspects of Hobbes*, pp. 495-496; Israel, *Enlightenment Contested*, pp. 850-858; Tuck, 'The Making of a Reputation', *Lectures*, pp. 8-13.

<sup>145</sup> For general accounts of the role of Hobbism in the *Encyclopédie*, see Thielemann, 'Thomas Hobbes dans l'*Encyclopédie*'; Wilson, *The Influence of Hobbes and Locke*, pp. 119-138; Glaziou, *Hobbes en France*, pp. 91-103.

<sup>146</sup> For example see 'Paix' (author unknown), *Encyclopédie*, vol. XI, p. 768. The first volume of the *Encyclopédie* appeared in 1751 and the seventeenth in 1765, which was intended to conclude the text. By 1780, however, its eventual completion included thirty-five volumes.

<sup>147</sup> 'ce noir système de Hobbes', J.E. Romilly, 'Vertu', *Encyclopédie*, XVII, pp. 176-182.

his alleged slander against human nature than the Chevalier de Jaucourt,<sup>148</sup> yet perhaps more telling is the omission of any reference to Hobbes in his articles on government and sovereignty. This further reflects the influence of Pufendorf at the time, from whom de Jaucourt explicitly borrowed his definition of sovereignty and followed in his account of sovereignty residing in society (as a single body) before being granted to a legislative power.<sup>149</sup>

Such criticisms were a simplification of Hobbes's position and elided the more problematical issue prominent in the natural law tradition, concerning not whether natural law existed in the state of nature (no one, including Hobbes, questioned this), but rather the extent of its obligatory force before being upheld by positive laws. Hobbes challenged the *philosophes*' confidence in both nature and reason. As they read Hobbes, by reducing all positive laws and justice to the will of the sovereign, he had disregarding the role of reason and natural law. By claiming that Hobbes had denied natural law, then, the more pressing problem of its obligatory force prior to positive law could be bypassed; rather, the obligatory force of natural law was often unquestioningly assumed.

Turning to Denis Diderot, one might expect to find the same simplification of Hobbes's ideas. Prior to his contributions to the *Encyclopédie*, Diderot had satirically remarked that had Hobbes been accosted by Cartouche (a celebrated French bandit) with a pistol in hand, demanding Hobbes's money or his life, Hobbes would have soon learned that injustice can exist between individuals alone in the state of nature.<sup>150</sup> This picks up on one of the common objections levelled at Hobbes's denial of justice and injustice prior to positive laws, and precisely misses the very distinction that Hobbes had employed between injustice, or wrong, and loss.<sup>151</sup> In fact Hobbes had entertained the very example and arrived at the contrary conclusion, stating that 'it is licit to make a promise to ransom my life and to give anything I like of my own to anyone, even to a robber.'<sup>152</sup> That most of Diderot's article 'Hobbism' was lifted from Jakob Brucker (save a comparison in which Diderot compared Hobbes and Rousseau) provides further evidence of Hobbes's influence being mediated through second hand sources and that those associated with the *Encyclopédie* had little of originality to add to discussions of Hobbes.<sup>153</sup>

Nevertheless, when considering the context in which Rousseau responded to Hobbes,

<sup>148</sup> Thielemann, 'Thomas Hobbes dans l'*Encyclopédie*', pp. 335-336. For the debt to Bayle in de Jaucourt's articles see Wilson, *The Influence of Hobbes and Locke*, pp. 127-132. Similarly, for the debt to Barbeyrac, see Glaziov, *Hobbes en France*, pp. 94-97.

<sup>149</sup> Jaucourt, 'Souveraineté', *Encyclopédie*, XV, p. 425; 'Government', *Encyclopédie*, VII, p. 789. Indeed Pufendorf is the only modern theorist mentioned in de Jaucourt's discussion of sovereignty; Bodin is an equally striking omission. Bernardi suggests that Pufendorf's account of sovereignty may have been mediated to de Jaucourt's via Burlamaqui, *La Fabrique des Concepts*, pp. 188-189. More generally for Pufendorf's influence on the political thought of the *Encyclopédie* see Roche, 'Encyclopedias and the diffusion of knowledge', pp. 189-194.

<sup>150</sup> Diderot, *Pensées Philosophiques* [1746], pensée XVII, p. 12.

<sup>151</sup> Hobbes, *De Cive*, III.4, *Cam.45/ Par.114-115*.

<sup>152</sup> Hobbes, *De Cive*, II.16, *Cam.39/ Par.109*.

<sup>153</sup> Compare Diderot, 'Hobbisme', *Encyclopédie*, VIII, pp. 232-241, with Brucker, *The History of Philosophy* [1744-1745], pp. 534-541.

Diderot's contribution was of some significance. Indeed, in his article 'Citizen', Diderot revealed a great deal more insight into Hobbes's thought than is to be found in many of the other *Encyclopédie* entries:

Hobbes draws no distinction between subject and *citizen*, correctly so, if one takes the strict meaning of the term *subject*, and the widest sense of the term *citizen*, and if one bears in mind that the latter term pertains only to the laws, while the former is defined in relation to a sovereign. *Citizens* and *subjects* are equally under command, but one by a moral, the other by a physical, force.<sup>154</sup>

By attributing positive law to the will of the sovereign, Hobbes had effectively collapsed the distinction that Diderot referred to between the sovereign and the laws. Similarly, Hobbes had collapsed the distinction between subject and citizen. To appreciate the importance of this for Hobbes – provoking his readers to re-evaluate the difference between subject and citizen – one has to look no further than the somewhat polemical title of his most readily available work in French, *De Cive*.<sup>155</sup> Just as Pufendorf had done before him, and Rousseau would do most emphatically following him, Diderot employed the distinction between moral and physical force to stress that citizen and subject were not one and the same.

The article that would have the greatest impact on Rousseau's political thought, however, was Diderot's 'Natural Right', which Rousseau set out to refute at the beginning of the *Geneva Manuscript*. Hobbes is not mentioned explicitly in Diderot's article, but following Robert Wokler's seminal analysis, the 'violent interlocutor' has come to be identified as Hobbes, or at least Hobbes as Diderot understood him.<sup>156</sup> Often neglected in analysis of the article is the fact that before Diderot turned to consider the violent interlocutor he already had something to say against Hobbes and materialism, insisting that free will and liberty are necessary for the notions of morality and justice to exist: 'It is clear that if man is not free... there could be no moral good or evil, no justice or injustice, neither obligation nor right.'<sup>157</sup>

Diderot's argument against Hobbes, however, is not predicated on man's free will. Instead he proceeded to consider the violent interlocutor, who wants to satisfy his passions and thinks himself not blameworthy for putting his own desires above those of others, as all would do likewise:

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<sup>154</sup> Diderot, 'Citoyen' [1753], *PW*, p. 15.

<sup>155</sup> This aspect of Hobbes's argument was original to *De Cive*, most strikingly when he defined the relationship between sovereign power and subject, in which he stressed that each citizen is called a subject of the sovereign power, III.11, *Cam.*73-74/ *Par.*145-146. In doing so Hobbes was claiming that individuals were at the same time both subject and citizen. It is worth comparing the passage in *De Cive* with the corresponding ones in the *Elements of Law* and in *Leviathan*, where there is no reference to subjects also being citizens. See *Elements*, XIX.10, p. 107; *Leviathan*, p. 121. For the context of Hobbes's rejection of the classical and Renaissance theory of citizenship, see Skinner, *Reason and Rhetoric*, pp. 284-293.

<sup>156</sup> Wokler, 'The Influence of Diderot on Rousseau', pp. 100-104.

<sup>157</sup> Diderot, 'Droit Naturel' [1755], *PW*, p. 18. It should be noted that this position may not be consistent with Diderot's later works, but the interest here is on the influence of the article on Rousseau, rather than the consistency of Diderot's thought over time.

If my happiness demands that I rid myself of all persons who intrude upon my life, then anyone else may equally rid himself of my presence if it offends him. This only stands to reason, and I agree. I am not so unjust as to demand from someone else a sacrifice which I am not myself prepared to make for him.<sup>158</sup>

Assuming that this should be taken as a reference to individuals in Hobbes's state of nature – and leaving aside that it ascribes a sense of justice to the interlocutor for otherwise 'we should have to shut him up without any reply' – Diderot's response consisted of denying that an individual ever has the right to determine the nature of justice and injustice and that it is absurd to wish upon others that which one would not wish upon oneself. If private wills are always suspect, then the question of justice must be put before mankind and be determined by the general will, which 'has never beguiled and will never mislead.'<sup>159</sup>

For Diderot, natural right always corresponded to 'the general will and the common desire of the whole species'. The general will may be accessed and should be obeyed prior to the institution of positive laws. It is 'evident to anyone who uses his reason', and is to be identified even 'in the social practices of savage and barbarous peoples'.<sup>160</sup> In short, the general will is universal; accessible to all the species and applies to all, whether in the state of nature or in civil society.

The importance of Diderot's introduction of the general will is almost self-evident, in part because of how strikingly different it is from Rousseau's conception.<sup>161</sup> In the same edition of the *Encyclopédie* (1755) Rousseau also employed the concept of the general will for the first time, cross-referencing Diderot's article as providing 'the source of this great and luminous principle', although it is unclear how familiar he was with it at the point of composition.<sup>162</sup> *Political Economy* provides Rousseau's least precise discussion of the general will, yet from the *Geneva Manuscript* onwards Rousseau specified his understanding of the concept more closely so as to distinguish it from Diderot's. Even in *Political Economy* crucial distinctions are evident, as Rousseau discussed the general will of particular societies, rather than the universal general will of the species, confining his use of the concept to within the body politic:

The body politic is thus also a moral being that has a will; and this general will, which always tends toward the preservation and welfare of the whole and of each part, and which is the source of the laws, is – for all the members of the state in relation to themselves and to it – the rule of what is just and unjust.<sup>163</sup>

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<sup>158</sup> Diderot, 'Droit Naturel', *PW*, pp. 18-19.

<sup>159</sup> Diderot, 'Droit Naturel', *PW*, pp. 19-20.

<sup>160</sup> Diderot, 'Droit Naturel', *PW*, pp. 20-21.

<sup>161</sup> For comparison see Wokler, 'The Influence of Diderot on Rousseau', especially pp. 75-85; Bernardi, *La Fabrique des Concepts*, pp. 331-340. According to Shklar, the initial purpose of Rousseau's general will was to reject Diderot's conception, *Men and Citizens*, p. 169.

<sup>162</sup> Rousseau, *Discourse on Political Economy* [1755], *CW3*:143/ *OC3*:245.

<sup>163</sup> Rousseau, *Political Economy*, *CW3*:143/ *OC3*:245.

Riley's history of the concept of the general will emphasises the influence of Malebranche on both Diderot and Rousseau, suggesting that Diderot had Malebranche in mind towards the end of his article on 'Natural Right'. This being the case, Rousseau's refutation of Diderot should be taken as 'an oblique treatment of Malebranche as well.'<sup>164</sup> For both Malebranche and Diderot, the general will was equivalent to eternal laws of justice; although in Malebranche's more political moments, such as his criticisms of Hobbes's positivism, he only employed the idea of eternal laws of justice and did not use the term general will at all.<sup>165</sup>

It is worth stressing that whether or not Rousseau viewed Malebranche as having employed the notion of the general will against Hobbes, there is no doubt that Diderot introduced the concept in precisely this context; in direct response to having to refute the violent interlocutor taken to be Hobbes. More to the point, Rousseau thought that both Diderot's conception of the general will and his refutation of Hobbes were ultimately deficient and needed to be revised, and would argue against both in the *Geneva Manuscript*. There is, then, evidence to suggest that Diderot's article once again alerted Rousseau to both the inadequacies of the prevailing refutations of Hobbes and the problems of employing the general will as a universal concept; a context that needs to be kept in mind when considering Rousseau's engagement with Hobbes.

The preceding discussion indicates that although Diderot's response to Hobbes was important for the way that Rousseau would later engage with Hobbes, there is little evidence of new interpretations of Hobbes having developed amongst the *philosophes*. This might seem surprising considering that the materialistic and deterministic psychology of Hobbes would have appealed to many of the more radical figures of the French Enlightenment. Yet these elements of Hobbes's thought seem to have been unknown to thinkers such as La Mettrie despite the resemblances between their philosophies, and, as Malcolm concludes, 'it seems that the radical philosophers of the French Enlightenment were interested mainly in the non-radical aspects of Hobbes.'<sup>166</sup> Outside of the *Encyclopédie* there seems to have been little interest in Hobbes, at least until 1772 when d'Holbach produced a translation of *Humane Nature*.<sup>167</sup>

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<sup>164</sup> Riley, *The General Will Before Rousseau*, pp. 203-211.

<sup>165</sup> There is, then, some dispute as to the genealogy of the general will in Rousseau's political thought. Hendel claimed that the notion of the general will was revealed to Rousseau from Pufendorf's discussion of Bodin, Grotius and Hobbes, *Rousseau: Moralism*, pp. 99-103. Riley, however, criticises this line of reasoning, as none of these thinkers actually used the term the general will, and he attributes the mistake to Barbeyrac's translation of Pufendorf, *The General Will Before Rousseau*, pp. 176-178. Yet this is a more plausible source than Riley implies as it is the version of Pufendorf that Rousseau would most likely have read. However, Barbeyrac's Pufendorf did not quite refer to general will, but rather to 'la volonté de tous en général & de chacun en particulier' (the will of all in general and of each in particular), Pufendorf, *La Droit de la Nature et des Gens*, vol. II, p. 203. The debate has recently been revived by Bernardi, *La Fabrique des Concepts*, pp. 393-434.

<sup>166</sup> Malcolm, *Aspects of Hobbes*, pp. 493-497; Israel, *Enlightenment Contested*, p. 230.

<sup>167</sup> On Diderot's ecstatic reaction to *Human Nature* and the influence on his later work, see Thielemann, 'Diderot and Hobbes', pp. 230-231; Glaziov, *Hobbes en France*, pp. 142-184; Cronk, 'Hobbes and Hume', pp. 173-182. It is somewhat ironic that Diderot only came to be influenced by *Human Nature* so late given that in Brucker's discussion of Hobbes, which Diderot lifted for his *Encyclopédie* article, it is identified as the work that Hobbes regarded as his best, see Brucker, *The History of Philosophy*, p. 536.

## Hobbes before Rousseau

Both Bayle and Barbeyrac remarked that nobody had penetrated as far into the foundations of society as Hobbes, and it was these foundations that arrested much of the attention of his French audience in the late seventeenth and early eighteenth century. Whilst each commentator on Hobbes took objection to, or in some cases even levelled praise on, different aspects of his thought, some general conclusions can be drawn as to what the multifaceted image of Hobbism consisted in prior to Rousseau's critique.

One reason that the foundations of Hobbes's theory occasioned the greatest analysis was that his genius was rarely questioned; many commentators at once noted this with some reserve whilst at the same time condemning his subversive ideas. Hobbes was recognised as a philosopher of the highest rank and many were all too aware that if his first principles were granted then everything else he argued may have to be admitted. It was these supposedly prejudiced and insidious principles that were mainly attacked, as is well illustrated by Diderot's warning not to venture beyond his first principles.<sup>168</sup>

A common feature of the criticisms of Hobbes in this period, then, was that they sought to contest his first principles. Malebranche and Leibniz were perhaps unique in attacking the very foundations of Hobbes's philosophy, that is, his materialism, yet all took issue with what they perceived to be underpinning his political thought. A recurrent theme was that Hobbes had founded all justice on man's *amour-propre*, yet there was no uniform response to the problems that were widely recognised with this and Hobbes's corresponding account of obligation.

For Malebranche, Hobbes's positivism and voluntarism amounted to much the same thing, and against both he insisted on eternal laws of justice, as did Leibniz. Montesquieu too attacked Hobbes's positivism, claiming that relations of justice exist prior to positive law and are founded on the nature of things. For Pufendorf and Barbeyrac, by contrast, the opposition was not simply one between voluntarism and rationalism. Barbeyrac sought to defend Pufendorf against the charge of Hobbism by showing that obligation required both the internal justification of reason and the external force of the will of a superior. In so doing he attempted to preserve the role of God in sanctioning natural law whilst at the same time rejecting the equation of the moral authority of the civil sovereign to that of God; the dangerous error that he followed Pufendorf in attributing to Hobbes.

Without doubt the most common theme in Hobbes's reception history, however, was the focus on his state of nature theory. At the turn of the eighteenth century this was a matter of little contention; although criticised by the likes of Malebranche, it was more frequently adopted (sometimes explicitly) by thinkers such as Nicole and Bayle. Considering man as overrun by violent passions provided a story compatible with man's post-lapsarian state that appealed to neo-Augustinians like Nicole, or that could be used to justify the authority of civil sovereigns as

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<sup>168</sup> Diderot, 'Hobbisme', *PW*, p. 27.



in the case of Bayle. This line of thought, however, came under stringent attack from two directions. One was from Montesquieu, who on the one hand rejected state of nature theories *tout court*, and on the other hand thought that Hobbes had misconstrued man's natural state. The latter point has some similarity with the other line of criticism derived from the natural law tradition, which sought to recast the state of nature in opposition to Hobbes.

Barbeyrac emphasised Pufendorf's doctrine of sociability and set this out in direct opposition to Hobbesian self-preservation, a distinction that became entrenched in the French reception of modern natural law and was adopted by the *philosophes*. These arguments were also supported by prominent English authors who were translated into French in the period in question. Hobbes had been attacked by some of his earliest English critics for founding all human society on fear rather than sociability;<sup>169</sup> criticisms that were taken up in the natural law context by Richard Cumberland, who argued vehemently against Hobbes's rejection of natural sociability,<sup>170</sup> which Barbeyrac then translated for French readers in 1744. Around the same time Diderot also took a turn as translator, producing a French edition of the Earl of Shaftesbury's *An Inquiry Concerning Virtue, or Merit* in 1745, in which Shaftesbury had affirmed man's sociability against Hobbes:

How unfortunate must it be for a Creature, whose dependence on Society is greater than any others, to lose that *natural Affection* by which he is prompted to the Good and Interest of his Species, and Community? Such indeed is Man's natural Share of this *Affection*, that *He*, of all other Creatures, is plainly the least able to bear Solitude. Nor is there any thing more apparent, than that there is naturally in every Man such a degree of social Affection as inclines him to seek the Familiarity and Friendship of his Fellows... For whoever is unsociable, and voluntarily shuns Society, or Commerce with the World, must of necessity be morose and ill-natur'd.<sup>171</sup>

Diderot's edition of Shaftesbury emphasised the importance of natural, sociable, virtue and was widely read in the French Enlightenment; Rousseau, for one, possessed a copy.<sup>172</sup> Indeed it is interesting to note that the translation into French of Hobbes's critics from elsewhere in Europe seems to have gone some way towards consolidating Hobbes's negative reception. To suggest that no major French thinker engaged with Hobbes between Bayle and Rousseau,<sup>173</sup> then, is both to miss and to be unable to explain the steady deterioration of Hobbes's reputation that occurred in France during the first half of the eighteenth century. The Hobbes that the *philosophes* were discussing in the 1750s was a figure far removed from the one discussed by

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<sup>169</sup> See for instance John Bramhall: 'All other Writers of Politicks do derive Common-wealths from the sociability of nature, which is in mankind, most truly. But he will have the beginning of all humane society to be from mutual fear: as much contrary to reason as to authority.' *The catching of Leviathan* [1658], p. 570.

<sup>170</sup> Cumberland, *Philosophical Enquiry into the Laws of Nature*, II.2, pp. 365-369.

<sup>171</sup> Shaftesbury, *An Inquiry Concerning Virtue, or Merit*, p. 85. The *Inquiry* was first published in 1699, but it was the substantially modified 1714 edition that provided the basis for Diderot's translation.

<sup>172</sup> Linton, *The Politics of Virtue in Enlightenment France*, pp. 53-57.

<sup>173</sup> Israel, *Enlightenment Contested*, pp. 228-230.

not only his immediate friends in France a century earlier, but even by the likes of Bayle at the turn of the eighteenth century.

## The State of Nature and the Nature of Man

*They know only what they see, and have never seen nature. They know extremely well what a Bourgeois of London or Paris is; but they will never know what a man is.*<sup>1</sup>

Amongst his eighteenth-century French commentators, the element of Hobbes's thought that provoked the greatest criticism was his state of nature theory. In this respect Rousseau was no exception. However, the manner in which Rousseau opposed Hobbes was quite unique, for he did so without recourse to the principle of sociability. Rousseau considered that the prevailing refutations of Hobbes were inadequate, thus he broke from his predecessors and attempted to contest Hobbes on new grounds. These grounds were ones that implicated not just Hobbes, but the whole natural law tradition as it was received in France and Geneva at the time.

Rousseau's own state of nature theory is developed at greatest length in the *Second Discourse*, a text that raises a number of problems of interpretation. The *Discourse* invites being read in a variety of different historical contexts as it draws upon multifarious sources.<sup>2</sup> To indicate just a few, there is strong evidence to view the *Discourse* as a contribution to the debate on luxury with the *doux commerce* theorists,<sup>3</sup> as part of the natural science of the Enlightenment project drawing on figures like Buffon,<sup>4</sup> or as recounting ancient stories of the development of man inspired by Lucretius, Cicero or Seneca.<sup>5</sup> Part of the enduring intrigue that the work possesses is no doubt due to the *Discourse* contributing to all of these debates and more, and it would be misguided to reduce it to any one context alone. Nonetheless, the problem cannot be avoided, as the historical context in which aspects of Rousseau's argument are situated goes a long way to shaping the interpretation of the *Discourse* that emerges.

The present analysis emphasises one context more than any other and argues that Rousseau's critique of Hobbes belongs largely, although not exclusively, to the genre of modern natural law theory. Both textual and contextual evidence will be adduced in support of this claim, yet ultimately its greatest merit is the extent to which it is able to make sense of what Rousseau had to say about Hobbes. Despite being much studied, a comprehensive and cohesive account of Rousseau's engagement with Hobbes remains elusive, in large part because the implications of

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<sup>1</sup> Rousseau, *The State of War*, CW11:64/ OC3:612.

<sup>2</sup> The most thorough examinations of Rousseau's sources remain those by Morel, 'Sources du Discours de l'Inégalité', and Goldschmidt, *Anthropologie et Politique*.

<sup>3</sup> Rosenblatt, *Rousseau and Geneva*, pp. 76-87; Force, *Self-Interest before Adam Smith*, pp. 215-225; Rasmussen, *Problems and Promise of Commercial Society*, pp. 15-49.

<sup>4</sup> The idea that the *Second Discourse* is marked by the spirit of the *Encyclopédie* has some lineage, see Morel, 'Sources du Discours de l'Inégalité', p. 143; Starobinski, 'Discours sur l'origine de l'inégalité', pp. lii-liii; O'Hagan, *Rousseau*, p. 33. Hulliung argues that Rousseau intended the *Second Discourse* to be a contribution to Buffon's ongoing *Natural History*, *Autocritique of Enlightenment*, pp. 172-182; more generally see Starobinski, 'Rousseau and Buffon'.

<sup>5</sup> For the extent to which the *Second Discourse* was indebted to Epicurean and Stoic sources see Brooke, 'Rousseau's *Second Discourse*'. More specifically, for Lucretius see primarily Black, 'De rerum natura and the second *Discourse*', and for Seneca see primarily Roche, *Rousseau: Stoic and Romantic*, pp. 28-38. According to Tuck, Cicero's *De Inventione* was 'without doubt a model for Rousseau', *The Rights of War and Peace*, p. 37; 'Pitié', *Lectures*, p. 10.

the natural law context have not been fully appreciated. It is often deemed that Rousseau's critique missed the mark, as Hobbes's depiction of the state of nature served a very different purpose to Rousseau's.<sup>6</sup> What is more, Rousseau appears to have at some point resorted to a Hobbesian moment whereby men end up in a state of war, which may be viewed as undermining the salience of his critique.<sup>7</sup> Such criticisms, however, frequently evade questions regarding the exact purpose of Rousseau's state of nature theory and why he took issue with Hobbes at all. It is only once these points have been addressed that Rousseau's critique of Hobbes may be fully understood and the question as to whether that critique speaks to Hobbes's own theory better answered.

Reading the *Second Discourse* in the context of modern natural law suggests that Hobbes's shadow looms over more of the work than might otherwise be apparent, precisely due to his influence in how that tradition had come to understand itself in France and Geneva by the middle of the eighteenth century, even if such influence was by way of adversary.<sup>8</sup> Indeed without reference to this tradition it is far from evident that Hobbes was even a major target in the *Discourse*. With the exception of one extended passage, he is only otherwise mentioned by name twice in passing, and one of those occasions is in the notes.<sup>9</sup> Any justification that Hobbes is important for Rousseau's argument cannot be sustained by frequency of reference. Rather it must be shown that either Hobbes had a more oblique influence on the *Discourse* or that when he was invoked by Rousseau it was of the utmost importance.

With the natural law context in mind, three central arguments addressing Rousseau's engagement with Hobbes's state of nature theory are advanced in this chapter. First, Rousseau sought to demonstrate that the depiction of man without civil laws adumbrated by Pufendorf and his followers was as erroneous as that set forth by Hobbes. By denying that the fundamental law of nature is man's sociability, Rousseau collapsed the very bifurcation that thinkers following Barbeyrac had been so concerned to emphasise in order to distance Pufendorf from Hobbes. On Rousseau's account, Pufendorf was no better than Hobbes, the implications of which would not have been missed by Rousseau's Genevan audience or the French *philosophes*. In this sense, Hobbes's theory provided a negative marker for Rousseau, against which other natural law accounts could be evaluated.

Rousseau expounded his account of the physical side of natural man in opposition to Pufendorf, but when he turned to consider man's moral side he was in agreement with the likes of Pufendorf and Burlamaqui in developing an argument that had its roots in a prevalent criticism of Hobbes. Explicitly against Hobbes, Pufendorf had insisted on the importance of

<sup>6</sup> Most recently see Pettit, *Made with Words*, p. 98; Steinberg, 'Hobbes, Rousseau and the State', p. 597.

<sup>7</sup> Lovejoy, 'The Supposed Primitivism', p. 31; Starobinski, 'Discours sur l'origine de l'inégalité', pp. lxiv; Taylor, 'Rousseau's Debt to Hobbes', pp. 278-280; Strauss, *Natural Right and History*, p. 284; Melzer, *Natural Goodness of Man*, p. 131; Roosevelt, *Rousseau in the Nuclear Age*, p. 33; Glaziov, *Hobbes en France*, p. 265.

<sup>8</sup> See Chapter One, 'Barbeyrac, Burlamaqui and natural law'.

<sup>9</sup> For Rousseau's explicit references to Hobbes see the *Second Discourse*, CW3:21, 35-36, 90/ OC3:136, 153-154, 218.

man's free will, an argument that had become commonplace in the natural law tradition and that Rousseau appears to have utilised in the *Second Discourse*. The second argument for the importance of Hobbes, then, is an indirect one, yet it is no less significant for this reason. Rousseau first introduced his ideas of free will in a context developed in opposition to Hobbes, and he would later proceed to insist on the inalienability of this freedom against both Hobbes and the modern natural law theorists who had criticised Hobbes.

The final argument concerning the importance of Hobbes for Rousseau's theory has more frequently been recognised and extends beyond the natural law context. Rousseau claimed that, according to Hobbes, man is evil; Hobbes's mistake was to attribute to natural man violent passions that only develop as more complex social relations become established. Rousseau's principle of man's natural goodness was set forth in contradistinction to Hobbes's account of man. Whilst this much may easily be admitted, the significance of doing so for Rousseau has rarely been appreciated. One purpose was polemical: Rousseau developed his principle in opposition to the critics of his *First Discourse*, who he then proceeded to associate implicitly with Hobbes. Their defences of luxury and modern commercial society, according to Rousseau, rested on an erroneous and Hobbesian account of man's miserable natural condition. For Rousseau, by contrast, the state of nature provided the setting for a model of the good life for man and even if man could never return to this state it nonetheless presented the conditions to which any form of the good life must conform. It was a life of harmony, free from contradiction, where man's passions neither led to internal conflict within himself nor brought him into conflict with other men. Nature served as a normative standard throughout Rousseau's thought and it was against Hobbes and those who followed him in this – who on Rousseau's account had besmirched nature – that the claims of nature had to be advanced.

The last argument rests great weight on a reading of the status of the state of nature in Rousseau's theory and thus speaks to one of the most challenging interpretative problems that the *Second Discourse* poses.<sup>10</sup> There is some contention as to what type of argument Rousseau sought to advance in the *Discourse* and whether it should be taken as a purely speculative and hypothetical account or one that is supposed to be historically accurate.<sup>11</sup> The strongest evidence for the hypothetical reading comes from Rousseau's Preface, where he claimed to have simply 'ventured some conjectures', for

it is no light undertaking to separate what is original from what is artificial in the present Nature of man, and to know correctly a state which no longer exists, which perhaps never existed, which probably never will exist, and about which it is nevertheless necessary to

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<sup>10</sup> The most comprehensive examination of this problem is provided by Goldschmidt, *Anthropologie et Politique*, pp. 115-167.

<sup>11</sup> The hypothetical reading is the most common, see for instance Charvet, *The Social Problem in Rousseau*, p. 15; Gourevitch, 'Rousseau's Pure State of Nature', pp. 32-33. For the historical reading see Plattner, *Rousseau's State of Nature*, pp. 17-25; Horowitz, *Rousseau, Nature, and History*, pp. 50-85. See also Kelly's illuminating discussion of the various readings, in which he argues for the actual possibility but not necessary historical reality of the pure state of nature, 'Rousseau's "Peut-etre"'.

have precise Notions in order to judge our present state correctly.<sup>12</sup>

Although attention is easily drawn to Rousseau's claim that the state of nature might never have existed, the most revealing part of the passage is the concern to separate the artificial from the original in the nature of man. To separate what nature has given man from what social relations have added to man's constitution is arguably one of the most important aims of the *Second Discourse*, and a failure to appreciate this lies behind many erroneous interpretations of the work. From the outset Rousseau invoked the inscription on the Temple of Delphi to illustrate that the subject of the *Discourse* is knowledge of man, who in society has become all but unrecognisable. In the accompanying note Rousseau stated his reliance on the authority of Buffon for evidence.<sup>13</sup>

Rousseau used anthropological evidence drawn from Buffon's *Natural History* to support his argument without ever resting it on those facts alone. There is an important sense in which the genealogy proposed in the *Second Discourse* had to be a hypothetical history for Rousseau, since it was a history beyond the reach of evidence available to modern science.<sup>14</sup> But this was not to render it unscientific; indeed Rousseau viewed the conjectures as ones akin to those that physicists make 'to clarify the Nature of things', thus he offered the history of man 'in Nature, which never lies.'<sup>15</sup> The purpose of such a history was to uncover the nature of man, that is, man's essential and inalienable gifts of nature; a point which cannot be stressed too strongly in the face of some consensus that, for Rousseau, 'it became necessary to abandon altogether the attempt to find the basis of right in nature, in human nature'.<sup>16</sup> The history only needed to be true to the extent that it could distinguish both what is original from artificial in man, and what is in accordance with man's nature from how that nature has been corrupted by the onset of social institutions.<sup>17</sup> Even if the history itself was hypothetical, Rousseau considered that what it established was beyond doubt, for 'it is up to Philosophy, when history is lacking', as

conjectures become reasons when they are the most probable that one can draw from the nature of things, and the sole means that one can have to discover the truth, the conclusions

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<sup>12</sup> Rousseau, *Second Discourse*, CW3:13/ OC3:123. Rousseau later claimed he would 'begin by setting all the facts aside', yet the paragraph preceding this claim suggests that the facts that he had in mind were those of Biblical history, *Second Discourse*, CW3:19/ OC3:132.

<sup>13</sup> Rousseau, *Second Discourse*, CW3:12, 68/ OC3:122, 195.

<sup>14</sup> On the Enlightenment context of philosophical or conjectural histories see Hulliung, *Autocritique of Enlightenment*, pp. 38-75. For Rousseau's contribution to eighteenth-century debates on human evolution see Frayling & Wokler, 'From the orang-utan to the vampire'.

<sup>15</sup> Rousseau, *Second Discourse*, CW3:19/ OC3:133.

<sup>16</sup> Strauss, *Natural Right and History*, p. 274. For a range of interpretative approaches that arrive at much the same conclusion, see Crocker, *Rousseau's Social Contract*, p. 91; Shklar, *Men and Citizens*, p. 38; Plattner, *Rousseau's State of Nature*, p. 110; Horowitz, *Rousseau, Nature, and History*, p. 81; Rapaczynski, *Nature and Politics*, pp. 277-278; Manent, *History of Liberalism*, p. 78; Schneewind, *The Invention of Autonomy*, p. 473.

<sup>17</sup> In this light consider the epigraph to the *Second Discourse*, where Rousseau quoted Aristotle: 'Not in corrupt things, but in those which are well ordered in accordance with nature, should one consider that which is natural.' *Second Discourse*, CW3:1/ OC3:109.

I want to deduce from mine will not thereby be conjectural,<sup>18</sup>

Pierre Nicole once wrote that ‘there are two types of knowledge of man, one general and the other particular.’ The former pertains to man’s nature and the latter to man’s present condition with the corruption that man has added to his nature.<sup>19</sup> Irrespective of whether Rousseau was aware of Nicole’s distinction, it encapsulates well Rousseau’s project in the *Second Discourse*. Revealing the general nature of man would serve to show just how distant the contingent and particular existence of modern man had become. The first part of the *Discourse* may be read as Rousseau’s account of the nature of man, or knowledge of man in general, and the second part as a speculative genealogy of the contingent and miserable condition that man has fallen into, or knowledge of man in his particular state as found in modern society.

It is important to stress that the nature of man is not the same as man in the state of nature, as otherwise the problem arises that Rousseau sought to found his whole philosophy on a lost ideal.<sup>20</sup> To be sure, as was commonplace amongst natural law theorists, the state of nature provided the setting for Rousseau’s account of the nature of man. Yet, as will become increasingly evident, even when the state of nature has been lost, nature remained a normative standard for Rousseau and any legitimate society would have to be in conformity with man’s nature. Indeed it is telling that Rousseau chose to quote Jean-Jacques Burlamaqui to illustrate the problem of natural right:

It is ignorance of the Nature of man that throws so much uncertainty and obscurity on the true definition of natural right: for the idea of right, says M. Burlamaqui, and even more that of natural right are manifestly ideas relative to the Nature of man. It is therefore from this very Nature of man, he continues, from his constitution and his state, that the principles of that science must be deduced.<sup>21</sup>

Rousseau quoted Burlamaqui almost word for word.<sup>22</sup> Burlamaqui was the only modern natural law theorist to draw a sharp distinction between the nature of man as a regulative normative ideal to which any state should conform, and man’s primitive or original state prior to civil laws (which Burlamaqui did *not* refer to as the state of nature).<sup>23</sup> Burlamaqui’s contribution to the natural law tradition was original to the extent that he maintained that man’s natural state provides the basis for both natural and political right. For neither Burlamaqui nor Rousseau was man’s nature marred by Original Sin, thus one could talk about man’s nature as a normative

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<sup>18</sup> Rousseau, *Second Discourse*, CW3:42/ OC3:162-163.

<sup>19</sup> ‘Il y a deux sortes de connaissances de l’homme, l’une générale et l’autre particulière.’ Nicole, ‘De la Connaissance de Soi-même’, *Œuvres*, pp. 39-40.

<sup>20</sup> Charvet, for example, claims that Rousseau’s attempt to re-found society on nature ‘creates a paradox which lies at the centre of Rousseau’s ultimate incoherence.’ *The Social Problem in Rousseau*, p. 2.

<sup>21</sup> Rousseau, *Second Discourse*, CW3:13/ OC3:124.

<sup>22</sup> C.f. Burlamaqui, *Principles of Natural Law*, i.i.ii.32.

<sup>23</sup> Burlamaqui, *Principles of Natural Law*, i.iv.ix.62-63, i.ix.xi.102, i.x.xv.112, ii.vi.ii.173.

standard.<sup>24</sup> Rousseau's reference to Burlamaqui, then, may plausibly be read as a sign that he intended to follow Burlamaqui in his method of deducing natural right from the very nature of man.<sup>25</sup> Even if Rousseau would pursue this approach to conclusions quite contrary to those of Burlamaqui, Hobbes and other natural law theorists, it is important to stress that Rousseau did not reject the method of deriving natural right from an examination of man's nature.

The reason to stress this point is that Rousseau's relationship to the natural law tradition is much disputed. C.E. Vaughan famously claimed that Rousseau 'sweeps away the idea of Natural Law, root and branch... It is therefore the clearest proof both of his speculative genius and of his intellectual honesty that he should have decisively rejected it.'<sup>26</sup> By contrast, Robert Derathé sought to locate Rousseau's thought firmly in the tradition of natural law,<sup>27</sup> and although such an approach has occasioned some criticism,<sup>28</sup> Helena Rosenblatt has been foremost in demonstrating the importance of the natural law context for understanding the *Second Discourse*.<sup>29</sup>

Rousseau's critique of natural law was certainly far reaching, implicating all those who had attempted to go back to the state of nature but failed to arrive there. Yet it is important to realise that Rousseau did not reject the approach of the natural law theorists *tout court*.<sup>30</sup> Rousseau's objection to his predecessors was not that they were wrong to start with an examination of the nature of man but rather that they had failed in those examinations. For Rousseau, reason was dormant in natural man, thus he objected to all those who had endeavoured to ground natural law on reason and profound metaphysics; rather, for the principles of natural right to be natural at all, they must be discoverable prior to the development of man's reason. This move may be interpreted as an outright rejection of natural law,<sup>31</sup> yet it is imperative to recognise that Rousseau still attempted to establish principles of natural right through an examination of the nature of man.<sup>32</sup>

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<sup>24</sup> For Rousseau, see most explicitly the *Letter to Beaumont*, CW9:29-31/ OC4:937-939. By the eighteenth-century Genevan Calvinism was optimistic about human nature, with many ministers relegating the dogma of Original Sin and subscribing to a theological anthropology that stressed man's free will and capacity for virtue – a context in which Burlamaqui's and Rousseau's positions appear less controversial than might otherwise be expected. See Rosenblatt, *Rousseau and Geneva*, pp. 11-17, 175-176.

<sup>25</sup> More generally see Douglass, 'Rousseau's Debt to Burlamaqui'.

<sup>26</sup> Vaughan, 'Rousseau as Political Philosopher', pp. 16-17.

<sup>27</sup> Derathé, *Rousseau et la Science Politique*, especially pp. 151-171.

<sup>28</sup> For discussion and criticism of both Vaughan and Derathé see Viroli, *Rousseau and the 'well-ordered society'*, pp. 134-148; Wokler, 'Natural Law and Rousseau's political thought'.

<sup>29</sup> Rosenblatt, *Rousseau and Geneva*, pp. 88-177. Rosenblatt provides arguably the best account of Rousseau's relationship to the natural law tradition – to which the present analysis is much indebted – but she does not consider Rousseau's critique of Hobbes in any detail.

<sup>30</sup> On this point see Silvestrini, 'Rousseau, Pufendorf and the natural law tradition', pp. 295-301.

<sup>31</sup> Wokler, 'Natural Law and Rousseau's political thought', pp. 326-327; or, at least, that Rousseau 'ordinarily rejected natural law,' Riley, *Will and Political Legitimacy*, p. 121.

<sup>32</sup> Rousseau's relationship to the natural law tradition is further complicated by the fact that he never distinguished clearly between natural right (*droit naturel*) and natural law (*loi naturelle*), and often used the two interchangeably. Indeed the distinction between the two in French was not as pronounced as it was in English where, for example, Hobbes had claimed that right and law are as inconsistent as obligation and liberty, *Leviathan*, p. 91. Rousseau did not, however, use right in the Hobbesian sense.



## The state of nature and the state of war

The natural law tradition is prominent in the early stages of the *Second Discourse* and much of Rousseau's response to Hobbes is located in this context while considering the nature of man in general. In the Preface, Rousseau claimed that for natural law to be natural at all it must be known by nature's voice, thus by reflecting on 'the first and simplest operations of the human Soul' he discovered

two principles anterior to reason, of which one interests us ardently in our well-being and our self-preservation, and the other inspires in us a natural repugnance to see any sensitive Being perish or suffer, principally those like ourselves.<sup>33</sup>

Similarly, in the Epistle Dedicatory to *De Cive*, Hobbes had sought to ground his theory on 'two absolutely certain postulates of human nature': human greed and the avoidance of violent death.<sup>34</sup> Rousseau would have agreed with the latter of Hobbes's principles, but insisted on man's pity against the postulate of human greed. Indeed there is good reason to think that Rousseau might have had Hobbes in mind when formulating his two principles. Later Rousseau confirmed that 'Hobbes saw very clearly the defect of all modern definitions of Natural right'.<sup>35</sup> That is, unlike 'our Jurists', Hobbes started from the principle of individual self-preservation, a principle that is innate in all beings and requires neither reason nor reflection to be discerned. According to Rousseau, Hobbes's mistake was only in the conclusions that he deduced from this principle.<sup>36</sup> One of the reasons that Hobbes went wrong was that he ascribed to natural man a need to satisfy a multitude of passions that are only the product of society. In the place of those artificial passions, Rousseau insisted on the force of pity (*pitié*), which Hobbes had neglected. Pity, or compassion, is the sole natural virtue, which tempers the ardour natural man has 'for his own well-being by an innate repugnance to see his fellow suffer'.<sup>37</sup> These aspects of Rousseau's critique will be discussed further,<sup>38</sup> yet at present it suffices to highlight that from the outset Rousseau's two principles may well have been formulated with Hobbes in mind. The first

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Rousseau employed natural right in an objective sense (pertaining to a given state of affairs) rather than a subjective sense (pertaining to an individual).

<sup>33</sup> Rousseau, *Second Discourse*, CW3:14-15/ OC3:125. Later Rousseau would revise his position slightly by claiming that pity is actually a modification of *amour de soi-même* (as are all passions), *Emile*, CW13:374-375/ OC4:505-506.

<sup>34</sup> Hobbes, *De Cive*, Cam.6/ Par.85.

<sup>35</sup> C.f. Hobbes, *De Cive*, II.1, Cam.32-34/ Par.101-103.

<sup>36</sup> Rousseau, *Second Discourse*, CW3:35/ OC3:153. The 'jurists' that Rousseau had in mind could have included Grotius, Pufendorf, Cumberland, Barbeyrac and Burlamaqui; i.e. those modern natural law theorists who set their theories out in opposition to Hobbes. To be sure, Hobbes had described man's fear of death as a postulate of natural reason. However, this can be read as a principle from which reason derives the laws of nature, rather than a principle discerned by reason. Rousseau appears to have read Hobbes's principle of self-preservation this way as he claimed that Hobbes, unlike the jurists, realised that natural man does not reason.

<sup>37</sup> Rousseau, *Second Discourse*, CW3:36/ OC3:154. See also the *State of War*, where Rousseau described pity as part of 'natural law...engraved in men's heart in indelible characters and that it is there that it speaks more strongly than do all the Precepts of Philosophers', CW11:65/ OC3:602.

<sup>38</sup> See below, 'Natural goodness and the recovery of the golden age'.

principle for deducing the rules of natural right, self-preservation, was strictly Hobbesian. The second principle, however, was set out in opposition to Hobbes, as it tempers man's self interest and makes him a compassionate being disinclined to fight or harm others.

Rousseau immediately proceeded to claim that from these two principles all of the rules of natural right follow without introducing the principle of sociability. By denying that sociability was necessary for determining natural right, Rousseau denied the very principle that distinguished Pufendorf from Hobbes, to which the likes of Barbeyrac, Burlamaqui, the *philosophes* and the Genevan authorities all deferred. Richard Tuck has rightly pointed out that at this stage Rousseau drew an important contrast between his theory of natural right and those of the theorists of natural sociability, most notably Pufendorf. By jettisoning sociability, Rousseau might appear to be returning to a more Hobbesian starting point.<sup>39</sup> This is certainly accurate, but it only tells half of the story. Rousseau's insistence on pity as a natural principle was intended to distance his account from pure Hobbesian self-preservation *and* Pufendorfan sociability. Rousseau's starting point might have resembled Hobbes's more than Pufendorf's, but the principle of pity was directed against both.

As early as the Preface, then, Rousseau sought to collapse the very bifurcation between Hobbes and the theorists of sociability that had become so entrenched in eighteenth-century French thought. The denial of sociability from the outset was a remarkable and highly polemical move that would lead to accusations of Hobbism. Yet, far from simply siding with Hobbes, Rousseau rejected the principle of sociability to clear the ground for a new critique that would implicate both Hobbes and the theorists of sociability.

This approach is pursued in Part One of the *Second Discourse* where Rousseau examined natural man's physical condition, the purpose of which was to show that man is neither naturally dependent on others nor driven to conflict and ultimately a state of war by his primitive desires and needs. Rousseau stated that 'Hobbes claims that man is naturally intrepid and seeks only to attack and fight.' At this point readers who were familiar with the natural law treatises of Pufendorf and Burlamaqui might have expected Rousseau to continue with a refutation of Hobbes's alleged slander against human nature. Yet Rousseau only mentioned Hobbes in passing; rather the whole section on the physical natural attributes of man seems to have been reserved to contest the contrary assertion that 'nothing is so timid as man in the state of Nature, and that he is always trembling at the slightest noise he hears, at the slightest movement he perceives.'<sup>40</sup> Rousseau attributed this opinion to Pufendorf, Cumberland and an 'illustrious Philosopher'.<sup>41</sup> Assuming the 'illustrious philosopher' represented Montesquieu, it is well to note that the three theorists that Rousseau cited had all set out their own accounts of

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<sup>39</sup> Tuck, *The Rights of War and Peace*, pp. 198-199; 'Pitié', *Lectures*. On Rousseau's critique of sociability see also Kaposy, *Iselin contra Rousseau*, pp. 207-222.

<sup>40</sup> For all of the following references to Rousseau's discussion of the physical side of natural man, see the *Second Discourse*, CW3:20-25/ OC3:134-141.

<sup>41</sup> Pufendorf himself associated his opinion with that of Cumberland, see *Law of Nature and Nations*, ii.i.vii.100-101; see also Cumberland, *Philosophical Enquiry into the Laws of Nature*, I.27, p. 362.

man's natural condition in opposition to Hobbes.<sup>42</sup>

Of those who claimed that man is naturally weak, Pufendorf appears to have been Rousseau's main target.<sup>43</sup> Pufendorf had argued that man's weakness requires that he live with law and that without law man would be a 'wretched Creature... A mute and ignoble Animal.' Rousseau's account of the physical side of natural man was largely concerned with refuting the idea that man is naturally weak, and in doing so he contested the main arguments that are to be found in Pufendorf's summary of the nature of man living without laws as formulated in the final section of Book II, Chapter I, *Of the Law of Nature and Nations*.<sup>44</sup> This is well illustrated by drawing attention to the four most serious arguments that Rousseau dealt with, which taken together comprise the best part of his account of the physical side of natural man.

First, Pufendorf claimed that natural man would be uneducated, having no knowledge except that generated from his natural abilities, to which Rousseau responded that this would have actually been to his advantage as the 'savage man's body being the only implement he knows, he employs it for various uses of which, through lack of training, our bodies are incapable'. Second, Pufendorf insisted that man would struggle to avoid dying from hunger, only being able to feed himself from shrubs and gathered fruit and only drinking from rivers and springs. Rousseau simply retorted that this would be more than sufficient with the natural fertility and lack of scarcity that characterised natural man's condition: 'I see him satisfying his hunger under an oak, quenching his thirst at the first Stream, finding his bed at the foot of the same tree that furnished his meal; and therewith all his needs are satisfied.' Third, Pufendorf depicted natural man as being helpless before wild beasts that would devour him. To this Rousseau rejoined that even if not stronger, natural man is more agile than any other species, and that this is all but irrelevant as wild animals rarely attack men. Finally, Pufendorf stressed the threat of the cold and the insecurity of man stumbling around living in caves, to which Rousseau was at his most cynical in maintaining that such alleged necessities were superfluous for natural man's survival: 'it is clear in any case that the first man who made himself clothing or a Dwelling, in doing so gave himself things that were hardly necessary'.

Rousseau provided a historicised account of the state of nature that was at odds with those set forth by Hobbes and Pufendorf. In doing so he drew on a variety of sources, many of them ancient, even if supported with anthropological evidence taken from travellers' reports or

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<sup>42</sup> Montesquieu is identified as the 'illustrious Philosopher' by Scott, 'The Theodicy of the *Second Discourse*', p. 702. See also Montesquieu, *Spirit of the Laws*, I.2, p. 6.

<sup>43</sup> For more comprehensive analyses of Rousseau's response to Pufendorf see Wokler, 'Rousseau's Pufendorf'; Kapossy, *Iselin contra Rousseau*, pp. 211-218; Silvestrini, 'Rousseau, Pufendorf and the natural law tradition'. In the draft Neuchâtel Manuscript of the *Confessions* Rousseau specified that he read Pufendorf's *Duty of Man* whilst staying with Madame de Warens in Annecy in 1729, see editorial note 47, *Confessions*, CW5:613. The following analysis indicates that Rousseau was also familiar with the *Law of Nature and Nations*, which is further supported by his claim in *Political Economy* that Pufendorf had shown that the right of property does not extend beyond the life of the proprietor, CW3:158/ OC3:236. Pufendorf only developed this argument in the *Law of Nature and Nations*, iv.x.iv.419-420.

<sup>44</sup> All references to Pufendorf in this paragraph and the next, which should be compared with the aforementioned section in the *Second Discourse*, are to the *Law of Nature and Nations*, ii.i.viii.101. See also *Duty of Man*, i.iii.iii.53-54.

from Buffon's *Natural History*.<sup>45</sup> This is evident in Rousseau's depiction of the physical side of natural man, which bears a striking resemblance to Lucretius's portrayal of the first men who roamed the earth, 'wide-wandering like wild beasts'.<sup>46</sup> This resemblance was not missed by Rousseau's contemporaries, with Jean de Castillon quoting extensively from Lucretius's poem to reveal the Epicureanism of Rousseau's account.<sup>47</sup> In addition Castillon noted that Rousseau's natural man was evil like Hobbes's,<sup>48</sup> but the association with Hobbes was more forcefully insisted upon by Jean-Bertrand Castel. Castel recognised that Rousseau had set his system out in opposition to Hobbes, yet he claimed that Rousseau had in fact surpassed his predecessor by stripping natural man of all moral qualities.<sup>49</sup>

At this point it is worth recalling that Barbeyrac had aligned Hobbes with Epicurus in contradistinction to Pufendorfian sociability. Given that Rousseau employed an Epicurean account of man to refute Pufendorf, there is some reason to view him as siding with Hobbes over Pufendorf. Indeed Richard Tuck draws on Castel and Castillon, amongst other sources, in support of his Hobbesian reading of Rousseau.<sup>50</sup> Yet Rousseau thought that his contemporaries had misunderstood his work and his account should by no means be taken as an endorsement of Hobbes's position, for he rather sought to collapse Barbeyrac's bifurcation and realign Pufendorf's account of the state of nature with Hobbes's.

Examination of Rousseau's account of natural man reveals that he perceived Pufendorf's rendering of man's natural state as one of weakness to be just as erroneous as Hobbes's conception of the state of nature as a war of all against all. Moreover, both accounts were accompanied by equally pernicious implications, which Rousseau thought imperative to contest. In the chapter following his description of man's miserable condition without civil laws, Pufendorf proceeded to examine the natural state of man, setting out his account in opposition to Hobbes. Pufendorf had insisted from the outset that a 'common or universal War engaging all Mankind at the same time, is an impossible Supposition; this being a direct Consequence of the State of Beasts,' and thus he formally renounced the Hobbesian account of a state of war.<sup>51</sup>

Whilst Pufendorf officially rejected the Hobbesian state of war, a tension remained with his depiction of man's state without civil laws, as he admitted the prevalence of the very passions that led to conflict between men in Hobbes's state of nature, and ended up portraying a

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<sup>45</sup> This evidence is to be found in the notes Rousseau added to the *Second Discourse*, see in particular *CW*3:70-74/ *OC*3:198-202.

<sup>46</sup> Lucretius, *On the Nature of the Universe*, Book V, lines 925-1010, pp. 163-165. Rousseau's Epicureanism may well have been mediated through Buffon, see Goldschmidt *Anthropologie et Politique*, pp. 231-240.

<sup>47</sup> Castillon, *Discours sur l'origine de l'inégalité* [1756], pp. 255-266.

<sup>48</sup> Castillon, *Discours sur l'origine de l'inégalité*, p. 129.

<sup>49</sup> Castel, *L'homme moral opposé à l'homme physique* [1756], pp. 57-58. Castel also identified similarities with Lucretius, arguing that Rousseau had only extolled an Epicurean conception of freedom (pp. 173-174).

<sup>50</sup> Tuck, 'The Making of a Reputation', *Lectures*, pp. 2-8; *The Rights of War and Peace*, p. 198. On Rousseau's Hobbesian reception more generally, see Glaziou, *Hobbes en France*, pp. 282-284; Sonescher, *Before the Deluge*, pp. 225-226.

<sup>51</sup> Pufendorf, *Law of Nature and Nations*, i.i.viii.6 and more generally ii.ii.v-xi.109-114.

virtually identical condition.<sup>52</sup> Similarly, when Pufendorf turned to examine the causes that induced men to establish civil society, he once again appeared to be telling a very Hobbesian story, supporting his argument with examples taken directly from Hobbes, noting that people sleep with closed doors for fear of thieves and arm themselves against bandits when travelling.<sup>53</sup>

Rousseau set out his account of the physical side of natural man against Pufendorf precisely because Pufendorf's account was so Hobbesian. By averring that man was naturally weak, Pufendorf had reached the same conclusions as Hobbes had by insisting that man was naturally intrepid; in each case man's natural condition was wretched, disordered, and rife with a level of conflict that could only be remedied by a civil sovereign. The principle of sociability could thus be dismissed as, *contra* Barbeyrac, it failed to distinguish Pufendorf from Hobbes.<sup>54</sup> Not only did Rousseau's depiction of Pufendorf's account of natural man draw attention to important theoretical resemblances with Hobbes that Barbeyrac had sought to occlude,<sup>55</sup> it also spoke to the Genevan controversies of the 1750s.

The *Second Discourse* was dedicated to the Republic of Geneva and contemporary Genevans would not have missed the salience of Rousseau's refutation of Pufendorf. The Genevan patriciate, to which Rousseau was firmly opposed, frequently invoked the theories of Pufendorf, Barbeyrac and Burlamaqui, whilst officially repudiating Hobbes's ideas. The arguments that they proposed however – especially concerning their pessimistic description of man in the state of nature – were, in fact, very Hobbesian.<sup>56</sup> To demonstrate that the modern natural law theorists and therewith the patriciate were no better than Hobbes, then, would have been a move of great polemical weight and political consequence at the time.

Even if Rousseau's account of the physical side of natural man was set out primarily against Pufendorf, the reason for doing so was because of the Hobbesian connotations there implied. The bifurcation that Barbeyrac had set up between the natural law theorists of sociability and Hobbes could be collapsed because, for Rousseau, the question of whether or not man is naturally sociable was not of primary importance. Rousseau was, first and foremost, concerned with whether the state of nature was peaceful or miserable, for, as will be seen, only if the state of nature provided a negative standard could Hobbesian accounts of the social pact and sovereignty be justified.

That Rousseau was centrally concerned with refuting the idea that man's natural condition was one of war may be further attested by a brief consideration of his unpublished work the

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<sup>52</sup> Pufendorf, *Law of Nature and Nations*, ii.i.vi.99-100; *Duty of Man*, i.iii.iv.54. On the distinctions between Hobbes and Pufendorf, see Saastamoinen, *The Morality of the Fallen Man*, pp. 143-148.

<sup>53</sup> Pufendorf, *Law of Nature and Nations*, vii.i.vii.629-631. C.f. Hobbes, *De Cive*, 'Preface', I.2, *Cam*.10, 25/ *Par*.72, 94.

<sup>54</sup> For Pufendorf, unlike Barbeyrac, sociability was only a dictate of reason and not a natural inclination, thus this principle alone could not refute a descriptive account of man's state without civil laws. See Chapter One, 'Barbeyrac, Burlamaqui and natural law'.

<sup>55</sup> Similarities that modern scholars have not failed to notice, see Tuck, *The Rights of War and Peace*, pp. 140-152; Palladini, 'Pufendorf disciple of Hobbes'.

<sup>56</sup> Rosenblatt, *Rousseau and Geneva*, pp. 164-165.

*State of War*, which was set out directly against Hobbes.<sup>57</sup> The work appears to be contemporaneous with the *Second Discourse*, even though there is some uncertainty concerning the precise dates of its composition. The following passage seems to be an explicit reference to the *Second Discourse*, suggesting that it was written after the composition of the *Discourse*:

I have already said it and I cannot repeat it too much that the error of Hobbes and of the philosophers is to confute natural man with the men they have before their eyes, and to transport into one system a being who can continue to exist only in a different one.<sup>58</sup>

The notes to the *Second Discourse*, however, suggest that at least a draft of the *State of War* was already then complete, as Rousseau wrote that he would ‘not repeat here what I have said about war’.<sup>59</sup> None of his prior publications addressed the topic of war, and it seems safe to assume that he had the *State of War* in mind, perhaps expecting that it would soon be published. A similarly indicative, but by no means conclusive, reference to the work can be dated from March 1758, when Rousseau appears to have referred to it in a letter to his publisher.<sup>60</sup> Whilst the evidence for a precise dating remains inconclusive, these references, along with the largely overlapping themes, suggest that both the *State of War* and the *Second Discourse* existed in draft at the same time. Indeed it is likely that Rousseau was working on the *State of War* for some time during the mid-1750s.

In the *State of War* Rousseau considered ‘the horrible system of Hobbes’ and was at his most vehement in denying ‘the insane system of natural war of each against all’. Summarising the arguments of the *Second Discourse*, Rousseau reiterated that natural man’s well being is confined ‘to what is physically necessary’ and that consequently man is naturally inclined towards peace.<sup>61</sup> In *De Cive* Hobbes defined war as ‘that time in which the will to contend by force is made sufficiently known by words or actions’.<sup>62</sup> Rousseau conceded that in the state of nature individuals might occasionally have to use force to defend themselves and that they have the right to do so. Natural man, however, would have no inclination to use force and as Rousseau defined war as ‘a permanent state which assumes constant relations,’ the state of war would not occur.<sup>63</sup> To be sure, Rousseau realised that Hobbes’s argument was not based on a natural inclination to harm others but rather ‘founded on the inevitable competition of the right of each to all things’,<sup>64</sup> yet Rousseau denied that such competition was natural to man and instead insisted that man’s primitive desires would rarely draw him into conflict with others,

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<sup>57</sup> As well as reinforcing Rousseau’s opposition to Hobbes in the *Second Discourse*, the *State of War* also proves informative for comparing Hobbes’s and Rousseau’s opinions concerning the relationship between political states. See Roosevelt, *Rousseau in the Nuclear Age*, pp. 34-39; Tuck, *The Rights of War and Peace*, pp. 202-207.

<sup>58</sup> Rousseau, *State of War*, CW11:63/ OC3:611.

<sup>59</sup> Rousseau, *Second Discourse*, CW3:76/ OC3:204.

<sup>60</sup> ‘Rousseau à Marc-Michel Rey, le 9 mars 1758’, CC5:50-52. See also Tuck, ‘Amour-Propre’, *Lectures*, pp. 3, 8.

<sup>61</sup> Rousseau, *State of War*, CW11:62-64/ OC3:610-612.

<sup>62</sup> Hobbes, *De Cive*, I.12, *Cam.*29-30/ *Par.*99.

<sup>63</sup> Rousseau, *State of War*, CW11:65/ OC3:602.

<sup>64</sup> Rousseau, *State of War*, CW11:63/ OC3:611. C.f. Hobbes, *De Cive*, I.10, *Cam.*28/ *Par.*97.

thus natural man would neither have nor recognise in others a will to contend by force. The state of war, on Rousseau's definition, consisted in a constant and manifest will to destroy one's enemy, which could not be derived from the right of self-preservation in the state of nature. The right to self-preservation, according to Rousseau, only entailed the right to defend oneself and not the right to wage constant relations of war aimed at the destruction of an adversary.

Even if much of Rousseau's argument in the *State of War* recast that of the *Second Discourse*, there are two important differences, at least of emphasis, that merit attention. One is that Rousseau added the twist that there could never be a genuine war between private individuals as war only obtains between public persons;<sup>65</sup> hence suggesting that Hobbes's natural man was really modelled on a state all along.<sup>66</sup> More significantly, however, Rousseau made more explicit why it was so important to show that the state of nature was not a state of war. Towards the end of the *State of War*, Rousseau asserted that 'the rights of society, being founded upon those of nature, are not able to annihilate them'.<sup>67</sup> Similarly, in the *Second Discourse*, Rousseau appears to have referred to the longer work he had planned on *Political Institutions* (from which the *Social Contract* was extracted), in which he 'would weigh the advantages and inconveniences of all Governments relative to the Rights of the state of Nature'.<sup>68</sup> Rousseau's political thought would be based on the rights of nature and it was imperative to demonstrate that those rights did not entail the rights of war, for it was only on such grounds that the likes of Grotius and Hobbes were able to legitimise slavery.<sup>69</sup>

One purpose of Rousseau's critique of both Hobbes and his modern natural law critics in the *Second Discourse* and the *State of War*, then, was to show that natural man's physical attributes did not lead to a miserable condition, be it one of weakness or aggression. Moreover, as the state of nature would not have originally been one of war, the rights of war could not be derived from man's natural condition. This served to undermine the basis from which other thinkers had developed their justification of sovereignty and the social order. Both Hobbes and Pufendorf presented man's natural condition as wretched, from which the necessity of civil sovereignty and positive laws arose. By rejecting the accuracy of their depictions of this state the rest of their theories were left open to question. Yet Rousseau's state of nature theory also presented a model of the good life for man, which would inform his philosophy more generally. Before exploring this aspect of Rousseau's theory, however, it is worth first considering his account of the metaphysical and moral side of man.

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<sup>65</sup> Rousseau was not entirely consistent (or at least precise) on this point. The impression given in the *Second Discourse* is that a state of war can occur between individuals but is not man's natural condition. Similarly, when drafting the *Social Contract*, Rousseau wrote that 'Hobbes's mistake, therefore, is not that he established the state of war among men who are independent and have become sociable, but that he supposed this state natural to the species and gave it as the cause of the vices of which it is the effect.' See *On the Social Contract, or Essay about the Form of the Republic* (first version; hereafter *Geneva Manuscript*), CW4:81/ OC3:288.

<sup>66</sup> Tuck, *Rights of War and Peace*, p. 230.

<sup>67</sup> Rousseau, *State of War*, CW11:73/ OC3:608.

<sup>68</sup> Rousseau, *Second Discourse*, CW3:63-64/ OC3:189-190.

<sup>69</sup> Rousseau, *Social Contract*, CW4:135-136/ OC3:356-357.

## Free will and man's moral nature

To demonstrate that the state of nature was not a state of war, Rousseau only had to consider that which he termed the physical side of natural man. Natural man, when viewed this way, lived a primitive life barely distinguishable from the beasts. To determine what was distinctively human in man he must be viewed from another perspective. To this end Rousseau turned to consider man from his 'Metaphysical and Moral side' and in so doing introduced a distinction between the physical and moral that would permeate his thought.<sup>70</sup> Rousseau might well have been in disagreement with Pufendorf concerning the physical side of natural man, yet the two were in greater accord when examining the moral side of man; indeed there is evidence to suggest that Rousseau may well have adopted Pufendorf's criticisms of Hobbes's account of the nature of man as set forth in Book I, Chapter IV, *Of the Law of Nature and Nations*.

Pufendorf's most comprehensive discussion of man's will and its relationship with moral actions was formulated primarily in opposition to Hobbes, with both *De Homine* and *Leviathan* targeted. Pufendorf began by claiming that the will can exert itself either spontaneously or freely, and that 'Liberty is a Faculty of the Will,' which adds something to spontaneity. The will's acts of choice and refusal are not necessitated; liberty adds 'Freedom of Determination... upon an internal Impulse'.<sup>71</sup> As for Hobbes, the appetite or aversion that man has for certain objects does not depend on the will, yet, *contra* Hobbes, it does not eliminate the will's freedom to determine itself to any external act. For Pufendorf, man's freedom consisted simply in the inner impulse that he has when he chooses or rejects, as is well summarised in his *Duty of Man*, in a passage that foreshadows Rousseau's discussion of free will in the *Second Discourse*:

The other Faculty, which does peculiarly distinguish Men from Brutes, is called the *Will*; by which, as with an internal Impulse, Man *moves himself* to Action, and *chuses* that which best pleases him; and *rejects* that which seems unfit for him. Man therefore has thus much from his *Will*: First, that he has a Power to act *willingly*, that is, he is not determin'd by any intrinsick *Necessity* to do this or that, but is himself the Author of his own Actions: Next, that he has a Power to act *freely*, that is, upon the Proposal of one Object, he may *act* or not *act*, and either entertain or reject; or if divers Objects are propos'd, he may *chuse* one and *refuse* the rest.<sup>72</sup>

For Pufendorf, man's free will was necessary to demarcate the sphere of moral actions. Moral actions are voluntary actions, which 'depend on human Will as on a free Cause, that without its Determination... they would never have been perform'd'. A voluntary action requires two things: a material cause depending on the motion of a naturally existing power and a formal cause, that is, 'the Dependence of the Will, as on a Cause that is truly free, and acts by its own

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<sup>70</sup> Rousseau, *Second Discourse*, CW3:25/ OC3:141.

<sup>71</sup> Pufendorf, *Law of Nature and Nations*, i.iv.i-ii.34-35.

<sup>72</sup> Pufendorf, *Duty of Man*, i.i.ix.31-32.



Resolution.’<sup>73</sup> Pufendorf insisted on free will against Hobbes to allow the realm of moral entities to be undetermined by the physical world, as he held that neither morality nor responsibility could be preserved if everything was physically determined.<sup>74</sup>

Pufendorf’s criticisms of Hobbes anticipate the account of free will that Rousseau would expound in the *Second Discourse*, yet these could also have been mediated to Rousseau via Burlamaqui’s *Principles of Natural Law*. Burlamaqui considered that Pufendorf had successfully repudiated Hobbes’s materialism and established man’s freedom. Following Barbeyrac’s editions of Pufendorf closely, Burlamaqui maintained that voluntary actions could be imputed to man because he is endowed with free will, thus this freedom provided the foundation for all morality.<sup>75</sup>

Burlamaqui emphasised that which he took to be the distinction that Pufendorf had drawn between man’s physical and moral side. For Burlamaqui, however, actions were distinguished into those that are merely corporeal or physical and those that emanate from the soul and are purely spiritual. All voluntary actions are in the latter class, originating in the soul, ‘as they are produced and directed by those noble faculties with which man has been enriched by his Creator’; those faculties being liberty, will and understanding.<sup>76</sup> Burlamaqui surpassed Pufendorf in the emphasis he placed on the inward sense of liberty, which he thought to be wrongly contested by those that subjected it to a purely metaphysical light.<sup>77</sup> Whilst the details of Burlamaqui’s account of free will might have been borrowed from Pufendorf, the language that he employed and the spiritual emphasis added indicate that he may have been an influential precursor for Rousseau’s discussion.

Turning then to the *Second Discourse*, when Rousseau considered the metaphysical and moral side of man he commenced by claiming that man is distinguished from the beasts as he ‘contributes to his operations by being a free agent. The former chooses or rejects by instinct and the latter by an act of freedom’.<sup>78</sup> Man’s freedom consists in his consciousness of being free to acquiesce in or resist the commands of nature. What is more, this freedom is of a spiritual quality and cannot be reduced to the laws of mechanics or physics:

For Physics explains in some ways the mechanism of the senses and the formation of ideas; but in the power of willing, or rather of choosing, and in the sentiment of this power are found only purely spiritual acts about which the Laws of Mechanics explain nothing.<sup>79</sup>

It is well to stress the importance of free will at this stage as the significance of its introduction in the *Second Discourse* is a point of some contention. Following Leo Strauss and Roger Masters, much scholarship has insisted that Rousseau actually denied the significance of man’s

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<sup>73</sup> Pufendorf, *Law of Nature and Nations*, i.v.i.44.

<sup>74</sup> See Schneewind, *The Invention of Autonomy*, pp. 137-138.

<sup>75</sup> Burlamaqui, *Principles of Natural Law*, i.ii-iii.40-57.

<sup>76</sup> Burlamaqui, *Principles of Natural Law*, i.i.iv-v.33-34, ii.xiii.xi.242-243.

<sup>77</sup> Burlamaqui, *Principles of Natural Law*, i.ii.x-xi.48-51.

<sup>78</sup> Rousseau, *Second Discourse*, CW3:26/ OC3:141.

<sup>79</sup> Rousseau, *Second Discourse*, CW3:26/ OC3:142.

free will straight after introducing it by replacing the concept with perfectibility.<sup>80</sup> Timothy O'Hagan's valuable analysis of the Strauss-Masters thesis has gone some way to refuting this claim, although he too accepts that the remainder of the argument in the *Second Discourse* relies on man's perfectibility rather than his free will.<sup>81</sup> O'Hagan views this as an olive branch to the materialists and locates the discussion of free will in the context of the thought of the *Encyclopédie*, and it has elsewhere been suggested that Rousseau's remark that man is not just a machine reveals that he had La Mettrie in mind.<sup>82</sup>

In his discussion of free will Rousseau was silent over who he had in his sights and did not indicate whether or not he was following anyone else's account (which was fairly typical for Rousseau).<sup>83</sup> La Mettrie had argued against Descartes that man, as well as the animals, is only a machine, and in this context Rousseau's claim that man's free will reveals him to be more than a machine could be viewed as restating the Cartesian argument in response to La Mettrie. What is more, Rousseau's assertion that physics is unable to explain the power of willing could also be read against La Mettrie's insistence that only physicians have the right to speak on the subject of man.<sup>84</sup>

Whilst it is certainly possible that Rousseau had La Mettrie in mind, the precise language that Rousseau employed more closely resembled Burlamaqui's discussion of free will. Burlamaqui stressed the introspective and spiritual knowledge by which free will is known and stated that it is man's soul that distinguishes him from the beasts, which 'finds itself at liberty to act or not to act,'<sup>85</sup> a claim echoed by Rousseau's insistence that it is not man's understanding as much as his being a free agent that sets him apart from animals.<sup>86</sup> Burlamaqui, in turn, owed his account of man's free will to Barbeyrac's edition of Pufendorf. A considerable amount of the first part of the *Second Discourse* is concerned with addressing issues central to the modern natural law tradition, and Rousseau's definition and discussion of man's freedom is neither particularly original nor controversial when read in this context.

Given the limited evidence, it is difficult to conclude decisively whether or not

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<sup>80</sup> Strauss, *Natural Right and History*, p. 265; Masters, *The Political Philosophy of Rousseau*, p. 69. For example, see also Plattner, *Rousseau's State of Nature*, pp. 43-46; Cullen, *Freedom in Rousseau's Political Philosophy*, p. 38; Marks, 'Rousseau and Rousseauism', p. 488; Duncan, 'Perfectibility, Chance, and Desire Multiplication', pp. 17-21.

<sup>81</sup> O'Hagan, 'Taking Rousseau Seriously', p. 81. C.f. Douglass, 'Free Will and Evil in Rousseau', pp. 641-645.

<sup>82</sup> Trousson, *Rousseau*, p. 260; Williams, *Rousseau's Platonic Enlightenment*, pp. 67-68. Rousseau only referred to 'la machine humaine' in the *Second Discourse*, CW3:25/ OC3:141. Although La Mettrie had titled his seminal work *L'Homme machine*, he did occasionally make reference to the human machine, see *Man a Machine* [1748], pp. 93, 131.

<sup>83</sup> Rousseau did make a passing reference to 'Some Philosophers' who have suggested that there is more difference between particular men than between man and beast, *Second Discourse*, CW3:26/ OC3:142. Plutarch had Gryllus argue this, 'That Brute Beasts Make use of Reason,' *Morals*, vol. 5, pp. 218-233, which was in turn cited by Montaigne, 'On the inequality there is between us' and 'An apology for Raymond Sebond', *Essays* [1580], pp. 288, 520.

<sup>84</sup> La Mettrie, *Man a Machine*, pp. 88-89. La Mettrie's materialism closely resembled Hobbes's. However La Mettrie (who, unlike Rousseau, usually cited his sources) did not reference Hobbes.

<sup>85</sup> Burlamaqui, *Principles of Natural Law*, i.i.iii.32-33.

<sup>86</sup> Rousseau, *Second Discourse*, CW3:26/ OC3:142.

Rousseau's discussion of free will was influenced by Pufendorf and Burlamaqui, or La Mettrie, or all three. Nonetheless, given Rousseau's concerns throughout the early stages of the *Second Discourse* and the resemblances between his arguments and Burlamaqui's, it is at least plausible to read Rousseau as having followed the Pufendorfian criticisms of Hobbes by insisting that the nature of man has to be considered in terms of both his physical and moral attributes. Whether Rousseau intentionally introduced his discussion of man's free will against Hobbes would be hard to prove either way.<sup>87</sup> What is clear is that Pufendorf explicitly introduced *his* claims about freedom in direct opposition to Hobbes, and there is evidence to suggest that Rousseau followed Burlamaqui in adopting this element of Pufendorf's argument. It can tentatively be concluded, therefore, that Rousseau's first discussion of free will appeared in this anti-Hobbesian context.

Locating the discussion of man's free will in the natural law context indicates that rather than intervening in a controversial debate with the materialism of the *philosophes*,<sup>88</sup> Rousseau was simply following those who opposed Hobbes by maintaining that free will had to be admitted to render man a moral being. Pufendorf's engagement with Hobbes structured this debate and, even if Rousseau's insistence on free will was only indirectly formulated against Hobbes, the importance the concept played in demarcating a moral sphere in contradistinction to a purely physical sphere (associated with Hobbes) cannot be understated. Rousseau would insist on the inalienability of man's freedom throughout his political thought, frequently against both Hobbes and other natural law theorists.

It is worth reiterating that the importance of free will for Pufendorf and his followers was to make sense of moral as opposed to physical actions. Man's freedom provided a normative basis which was employed in opposition to Hobbes, and this became increasingly pronounced in the French and especially Genevan contexts. For Burlamaqui, free will was essential to man's nature thus he declared that 'Man cannot absolutely, and without any manner of reserve, renounce his liberty'.<sup>89</sup> Similarly, in his most explicit contribution to natural law (an article implicitly targeting Hobbes), Diderot claimed that if man is not free then 'there could be no moral good or evil, no justice or injustice, neither obligation nor right.'<sup>90</sup> In his earlier *Encyclopédie* article (largely indebted to Pufendorf), 'Political Authority', Diderot had likewise

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<sup>87</sup> From *De Cive*, Hobbes's position on free will can only be inferred. The closest Hobbes came to denying free will being: 'The *will* itself, it is true, is not voluntary, but only the starting point of voluntary actions (for we do not will to will but to *act*)', *De Cive*, V.8, *Cam.*73/ *Par.*144. Pufendorf seems the most likely intermediary from whom Rousseau may have ascertained Hobbes's views on free will, although this aspect of Hobbes's thought had been criticised by Malebranche, Leibniz and Clarke, with all of whom Rousseau was familiar.

<sup>88</sup> To be sure, Rousseau would later argue for free will against the materialism of his contemporaries (and thus in greater depth and detail) in the first part of the 'Profession of Faith of the Savoyard Vicar', *Emile*, *CW*13:425-458/ *OC*4:565-606; *Letter to Beaumont*, *CW*9:75/ *OC*4:996. Distinctions between the physical and moral side of man were in turn ridiculed by materialists such as d'Holbach, who argued that they 'are founded only on groundless suppositions' ('ne sont fondées que sur des suppositions gratuites'), and, echoing Hobbes, are rather examples of men inventing words to which they can never attach any true meaning. Holbach, *Système de la Nature* [1770], vol. 1, p. 95.

<sup>89</sup> Burlamaqui, *Principles of Natural Law*, i.vii.viii.86; *Principles of Political Law*, ii.vi.xxiv-xxvi.373-374.

<sup>90</sup> Diderot, 'Droit Naturel', *PW*, p. 18.

remarked that man's freedom 'is a gift from heaven'.<sup>91</sup>

At the time Rousseau wrote the *Second Discourse* it was not uncommon to follow Pufendorf in averring, against Hobbes, that man's free will separated moral from purely physical actions, and with Rousseau man's free will was most explicitly elevated to the status of a gift from nature that would remain essential for rendering any form of social body legitimate. This is evident in Part Two of the *Second Discourse*, where Rousseau discussed illegitimate contracts and stressed the inalienability of 'the essential Gifts of Nature, such as life and freedom', maintaining that freedom is 'the most noble of man's faculties... a gift they receive from Nature by being men'. To be consistent this freedom could only be free will as it is only free will and perfectibility that distinguish man from animal, and the latter is in no sense a freedom. Hence to renounce one's freedom would be 'putting oneself on the level of Beasts enslaved by instinct, even offending the Author of one's being'.<sup>92</sup>

This gives an indication of the importance of man's free will for Rousseau, and it also illustrates how he would insist on its preservation against both Hobbes and the natural law theorists. Indeed Rousseau's assertion that man's freedom is an inalienable gift of nature was set out in direct opposition to Pufendorf, who 'says that just as one transfers his goods to another by conventions and Contracts, one can also divest himself of his freedom in favour of someone else.'<sup>93</sup> Hobbes also appears to have been an implicit target at this stage, as Rousseau attacked the 'odious System' of a contract that would only obligate one of the parties and where the sovereign is not subject to the laws of his state.<sup>94</sup> The full significance of free will and the distinction between moral and physical force would only be realised in the *Social Contract*, however, where Rousseau would turn his insistence on the inalienability of freedom back on both Hobbes and the other modern natural law theorists, echoing the charges against their illegitimate contracts that he first levelled in the *Second Discourse* and offering a radically different account of the social pact.

Even with respect to the *Second Discourse*, however, it is imperative to stress the importance of free will. One of the reasons that Rousseau was never to abandon nature was that much of his political thought was concerned with the problem of preserving man's inalienable gifts of nature in political society. For Hobbes, man is a mechanical being, composed of one principle, matter in motion. Underpinning the laws of nature and the principles of civil association there is similarly one principle, self-preservation. For Rousseau, there is both a physical and a moral dimension to man; he is not just a mechanical being as he also has free will. Underpinning the principles of civil association for him, then, are two principles, or two

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<sup>91</sup> Diderot, 'Autorité Politique [1751]', *PW*, p. 6.

<sup>92</sup> Rousseau, *Second Discourse*, *CW3*:58-59/ *OC3*:183-184.

<sup>93</sup> Rousseau, *Second Discourse*, *CW3*:59/ *OC3*:183. C.f. Pufendorf, who claimed that a people who have given themselves into servitude or to an absolute sovereign 'have no more a Right of regaining their Liberty by Force, than I have of recovering a Thing by Force, which I have already upon Bargain deliver'd to another Man.' *Law of Nature and Nations*, vii.viii.vi.720-722.

<sup>94</sup> Rousseau, *Second Discourse*, *CW3*:58/ *OC3*:182-183.

inalienable gifts of nature: man's freedom and man's life. Nothing is more crucial for appreciating the extent of both Rousseau's agreement with and departure from Hobbes than the centrality of man's freedom for his entire philosophy. According to Rousseau, freedom was a gift of nature, for free will separates man from the animals, makes him a moral being and is the source of his spirituality. Just as any form of social pact that deprived man of his life would clearly be illegitimate, for Rousseau, any form of social pact that divested man of his freedom would prove equally so.

### **Natural goodness and the recovery of the golden age**

In considering the physical and moral side of natural man the modern natural law tradition has been of foremost significance. Yet this context was by no means the only one that shaped the arguments of the *Second Discourse*. One of the most important contemporary intellectual debates was that which Rousseau addressed in the *First Discourse*. There he argued that the progress of the sciences and arts in society is always accompanied by the growth of luxury, which together lead to the corruption of morals and virtue. This launched him into the heart of one of the most contentious debates in early eighteenth-century French (and European) thought, concerning whether the development of luxury should be considered as beneficial or damaging for societies.

Perhaps the most important of Rousseau's interlocutors in this debate was Jean-François Melon, whose work was widely read and may be taken as representative of the *doux commerce* theorists in general. Melon argued for the benefits of luxury for a state, insisting that it is to be found in any well governed society as it destroys idleness and leads men to perform their duties.<sup>95</sup> There are two particular aspects of the argument that are worth drawing attention to presently, as they indicate the deep opposition between the views concerning luxury held by Melon and Rousseau. The first is that Melon stressed that societies only move away from savagery to the extent that they procure general commodities.<sup>96</sup> Melon's argument rested on the assumption that the state of man's existence prior to the development of commerce was a miserable one that needed to be remedied. The second point of importance is that Melon was well aware that the advance of luxury leads to great inequality, but he deemed this to be advantageous to states and considered that 'equality amongst men is a chimera that can hardly give birth to an ideal Republic'.<sup>97</sup>

Rousseau wrote that Melon was the first to publish 'these odious maxims, which tend only to destroy and debase virtue', and considered himself to be the only one in the century to

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<sup>95</sup> Melon, *Essai Politique sur la Commerce* [1734], pp. 105-129.

<sup>96</sup> Melon, *Essai Politique sur la Commerce*, p. 25.

<sup>97</sup> 'L'égalité chez les hommes est une chimère que peut à peine enfanter une République idéale', Melon, *Essai Politique sur la Commerce*, pp. 50-51.

combat them.<sup>98</sup> In the years between his first two discourses, Rousseau spent much time defending and developing his position against the many criticisms that the *First Discourse* provoked, which he regarded as being based on the same mistaken assumption as Melon's defence of commerce and luxury. In replying to his critics, Rousseau developed themes that would only be fully explored in the *Second Discourse*, in which he would respond to both the *doux commerce* and natural law theorists at the same time.<sup>99</sup>

It is in this context, where *doux commerce* and natural law theory meet, that Rousseau's principle of the natural goodness of man should be situated. Many scholars have noted that Rousseau set out his principle of natural goodness in opposition to Hobbes.<sup>100</sup> This is certainly true of the *Second Discourse*, where Rousseau's account of natural man builds up to the remark 'let us not conclude with Hobbes that because man has no idea of goodness he is naturally evil.'<sup>101</sup> Yet it is important to recognise that Rousseau developed his principle of natural goodness prior to the *Second Discourse*. In a note towards the beginning of that work Rousseau felt already able to state that 'man is naturally good; I believe I have demonstrated it.'<sup>102</sup> For this demonstration one has to turn to the replies that Rousseau gave to the critics of the *First Discourse*, where he first elucidated, albeit gradually, his all important principle.<sup>103</sup>

The critics of the *First Discourse* sought to defend luxury and show that the arts and sciences were necessary for the cultivation and civilization of man, releasing him from his otherwise barbaric and miserable condition and making him fit for society and moral life. Without entering into the details of these critiques, it is worth highlighting the fact that many of them rested on the assumption that man is naturally evil and that the sciences and arts were necessary to draw man out of this deplorable condition; the premise implicit in Melon's theory.<sup>104</sup> Rousseau was well aware of how much of the argument between himself and his critics turned on man's natural condition and, in what he at the time intended to be his final

<sup>98</sup> Rousseau, *Final Reply* [1752], *CW*2:129/ *OC*3:95.

<sup>99</sup> See Rosenblatt, *Rousseau and Geneva*, p. 77. At first glance it is not evident that the *Second Discourse* is as concerned with the debate over luxury as Rousseau's earlier writings had been. However, the *doux commerce* theorists remain an implicit target and the full flavour of Rousseau's attack is retained in the notes, for example: 'Luxury, impossible to prevent among men greedy for their own commodities and the esteem of others, soon completes the evil that Societies began... Luxury is a remedy far worse than the evil it claims to cure; or rather it is itself the worst of all evils in any State whatever,' *CW*3:78/ *OC*3:206.

<sup>100</sup> Melzer, *Natural Goodness of Man*, p. 20; Scott, 'The Theodicy of the *Second Discourse*', p. 705; Rawls, *Lectures*, pp. 205-06, 209; Cohen, *Rousseau*, pp. 113-115.

<sup>101</sup> Rousseau, *Second Discourse*, *CW*3:35/ *OC*3:153.

<sup>102</sup> Rousseau, *Second Discourse*, *CW*3:74/ *OC*3:202. Rousseau frequently affirmed that the principle of natural goodness was central to his entire philosophy; see *Dialogues*, *CW*1:9, 23, 213/ *OC*1:668, 687, 934; *Letter to Malherbes*, *CW*5:575/ *OC*1:1135-1136; *Julie*, *CW*6:499/ *OC*2:610; *Letter to Beaumont*, *CW*9:28/ *OC*4:935-936; *Letter to d'Alembert on the Theatre* [1758], *CW*10:267/ *OC*5:22; *Emile*, *CW*13:161, 225/ *OC*4:245, 322. The most comprehensive explorations of this principle in Rousseau's *œuvre* are provided by Melzer, *Natural Goodness of Man* and Cooper, *Rousseau, Nature and the Problem of the Good Life*.

<sup>103</sup> See also Wokler, 'The *Discours sur les sciences et les arts* and its offspring'; Rosenblatt, *Rousseau and Geneva*, pp. 60-73. It has long been observed that the principle of natural goodness was absent from the *First Discourse*, see Jouvenel, 'An Essay on Rousseau's Politics', pp. 91-92.

<sup>104</sup> Lecat, *Refutation by an Academician* [1751], p. 146; *Refutation of Observations* [1752], p. 63. Both of Lecat's refutations were published anonymously; the *Refutation by an Academician* under the guise of being a member of the Academy of Dijon that awarded the prize to Rousseau's *First Discourse*.

reply to those critics, he sought primarily to refute the doctrine that man is naturally evil.<sup>105</sup>

The question of man's natural goodness, in the form it took between Rousseau and his critics, might seem somewhat removed from the concerns of the *Second Discourse*. Yet, for Rousseau, the relationship between inequality, luxury and the sciences and arts was intrinsically connected with the genealogy of man's evil and vice:

The first source of evil is inequality. From inequality came wealth, for those words poor and rich are relative, and everywhere that men are equal, there are neither rich nor poor. From wealth are born luxury and idleness. From luxury comes the fine Arts and from idleness the sciences.<sup>106</sup>

If man was naturally evil then the development of luxury and the perfection of the arts and sciences could be thought to make man sociable and allow for a stable social order, whereas if man was naturally good then the sciences and arts may be deemed responsible for the vices and inequality that flourish in modern society. Between the first two discourses, Rousseau was drawn to realise that the idea that man is naturally evil not only underlay many of the defences of commerce and luxury but also the very justifications of the social order that Rousseau thought so illegitimate. Just as Pufendorf had relied on a Hobbesian depiction of natural man to justify his political theory, so too Rousseau's critics relied on a Hobbesian depiction of natural man to justify their defences of luxury, the arts and sciences. The mistake made in each case by the natural law and *doux commerce* theorists was the same: they had failed to understand the nature of man's condition prior to the development of the arts and commercial society. The point at which the natural law and *doux commerce* contexts converged in Rousseau's thought may even be indicated with some precision. In his refutation of the *First Discourse* and defence of modern society, Claude-Nicolas Lecat added a note in which he addressed the question 'What is understood by natural law?' and proceeded to conclude:

Thus, when it is commonly said this principle, *do to another only what you would want him to do to you*, is a natural law, it is understood that this is the first consequence that reason has drawn from its reflections and experience, the first principle finally of the science of natural morality, of the morality established independently of the enlightenment of revelation; but this morality is truly one of those arts, one of those sciences to which I have attributed the fortunate revolution achieved in humankind.<sup>107</sup>

Lecat argued that only by being educated in the science of morality could man's evil be prevented and this note clearly caught Rousseau's attention. Rousseau wrote a short letter in response to the refutation in 1752, but his full reply was not developed until the *Second Discourse*. Having denied that the principles of natural right are established by reason and that

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<sup>105</sup> Rousseau, *Final Reply*, CW2:114-117/ OC3:76-81.

<sup>106</sup> Rousseau, *Observations by Jean-Jacques Rousseau of Geneva on the Reply Made to his Discourse* [1751], CW2:48/ OC3:49-50.

<sup>107</sup> Lecat, *Refutation by an Academician*, p. 143.

the arts and sciences were necessary for natural law to have force, Rousseau offered an alternative principle of natural right that appears to have been set out in direct response to Lecat:

Instead of that sublime maxim of reasoned justice, *Do unto others as you would have them do unto you*, [pity] inspires all Men with this other maxim of natural goodness, much less perfect but perhaps more useful than the preceding one: *Do what is good for you with the least possible harm to others*. In a word, it is this Natural feeling, rather than in subtle arguments, that we must seek the cause of the repugnance every man would feel in doing evil, even independently of the maxims of education.<sup>108</sup>

Rousseau formulated his maxim of natural goodness by insisting on the force of pity, which he considered to be the 'sole Natural virtue that the most excessive detractor of human virtues was forced to recognise.'<sup>109</sup> The detractor in question was Bernard Mandeville, to whom Rousseau's conception of pity was greatly indebted.<sup>110</sup> Indeed the main distinction between Mandeville and Rousseau, as Rousseau was well aware, was not concerning the natural force of pity but rather over whether or not it should be considered as a virtue.<sup>111</sup> According to Mandeville, pity was the counterfeit of the virtue of charity,<sup>112</sup> as on his definition virtue required rationality and self-denial, whereas pity was derived from man's self-love.<sup>113</sup> Echoing Pierre Nicole, Mandeville claimed that self-love remained a vice even if its effects imitated those of charity. When Rousseau criticised Mandeville, then, it was less due to his psychology of man and more due to his definition of virtue. On Rousseau's account, pity was a natural virtue and the source of all social virtues precisely because virtue need not require the denial of natural inclination. By repudiating Original Sin, Rousseau obviated the necessary antithesis between natural inclination and virtue that man's post-lapsarian state presupposed.<sup>114</sup>

It is worth dwelling further on Rousseau's relationship to Mandeville as their genealogies of modern society were largely in agreement. To be sure, Mandeville thought that the notion of natural goodness was 'meerly Chimerical',<sup>115</sup> but this was directed against Shaftesbury's idea of natural *sociable* virtue, and both Mandeville and Rousseau denied the more prevalent interpretation of natural sociability. Rousseau would also have concurred with Mandeville's view that man's vices provided the origin of (at least commercial) society, and that the precepts of morality and civil law were developed by cunning politicians to reap benefits

<sup>108</sup> Rousseau, *Second Discourse*, CW3:37-38/ OC3:156.

<sup>109</sup> Rousseau, *Second Discourse*, CW3:36/ OC3:154.

<sup>110</sup> Rousseau referred to a passage from Mandeville, 'An Essay on Charity and Charity-Schools', *The Fable of the Bees*, Part I, pp. 254-255, but see also 'An Inquiry into the Origin of Moral Virtue', *Fable*, I, p. 56. The first part of *The Fable of the Bees* was first published in 1714, and the second part in 1729. The edition cited is based on the 1732 edition of the first part and the 1729 edition of the second part, which provided the basis for the 1740 four volume French translation.

<sup>111</sup> Adam Smith famously captured the distinction well when he wrote that 'the principles and ideas of the profligate Mandeville seem in [Rousseau] to have all the purity and sublimity of the morals of Plato,' 'Letter to the *Edinburgh Review*' [1756], p. 251.

<sup>112</sup> Mandeville, 'An Essay on Charity and Charity-Schools', *Fable*, I, pp. 254-261.

<sup>113</sup> Mandeville, 'An Inquiry into the Origin of Moral Virtue', *Fable*, I, pp. 48-49.

<sup>114</sup> This theme is explored more comprehensively throughout Chapter Four.

<sup>115</sup> Mandeville, 'A Search into the Nature of Society', *Fable*, I, p. 343.



from those they governed.<sup>116</sup> Similarly, Rousseau's claim that modern commercial society leads men to live outside of themselves, always pretending to be something they are not, would have been easily conceded by Mandeville, who considered that 'it is impossible we could be sociable Creatures without Hypocrisy.'<sup>117</sup> The two thinkers agreed on the consequences of luxury for society and morality, and were only divided over whether or not this should be considered as in the public benefit.<sup>118</sup> As Adam Smith soon appreciated, the difference between Mandeville and Rousseau, which represented one of the central issues in the eighteenth-century debate over commerce, was not concerning the details of the effects of luxury on society, but only whether these effects should be deemed beneficial or corrosive.<sup>119</sup> In large part, the evaluation of the consequences rested on the starting point with which they were compared, which is why the question concerning man's pre-civilized state was of such great importance for both Rousseau and his adversaries.

Rousseau only mentioned Mandeville briefly and eschewed any acknowledgement of the deeper similarities between their theories. Rather he used a conception of pity adopted from Mandeville to counter both the *doux commerce* theorists and Hobbes together, by showing that this natural virtue serves to refute the idea that man is evil and his natural condition wretched. Rousseau's discussion of pity occurred towards the end of the first part of the *Second Discourse*, following his claim that we should not conclude with Hobbes that man is naturally evil. The critics of the *First Discourse* would have been well aware that Rousseau was thereby associating their positions with that of Hobbes. Not only would this undermine their positions, given the odious reputation that Hobbes's name carried, but it also implicitly underlined their hypocrisy, as some of those critics had made a point of emphasising the perniciousness of Hobbes's principles.<sup>120</sup>

Rousseau's invocation of Hobbes clearly served a polemical purpose, yet this should not detract from recognising the philosophical depth of his critique. Rousseau did not only invoke Hobbes to draw attention to the hypocrisy of his adversaries, but also because they really did rest their arguments on fundamentally Hobbesian premises concerning the nature of man that

<sup>116</sup> See primarily Mandeville, 'A Search into the Nature of Society', *Fable*, I, p. 344-349; 'An Inquiry into the Origin of Moral Virtue', *Fable*, I, pp. 46-47.

<sup>117</sup> Mandeville, 'A Search into the Nature of Society', *Fable*, I, p. 348-349. See also Remark C where Mandeville claimed that the rules of society 'consist in a dextrous Management of our selves, a stifling of our Appetites, and hiding the real Sentiments of our Hearts before others.' *Fable*, I, p. 68. A similar argument had been employed in an anonymous critique of the *First Discourse* by King Stanislaus of Poland who wrote 'that hypocrisy, odious as it is in itself, is still an homage that vice pays to virtue', *Reply to the Discourse* [1751], p. 34.

<sup>118</sup> For a concise summary of Mandeville's defence of luxury see primarily Remark L, *Fable*, I, pp. 107-123. Rousseau considered the question further in an unpublished fragment on luxury, commerce and the arts directed against 'two men trying to make themselves famous by peculiar opinions that might flatter the taste of their century,' *Political Fragments*, CW4:44-51/ OC3:516-524. The two men in question were most likely Melon and Mandeville. Hume is a possibility but Rousseau claimed to have only been told about Hume's 'paradoxes in favour of luxury' having not read his works on commerce and politics, *Confessions*, CW5:527/ OC1:630.

<sup>119</sup> Smith, 'Letter to the *Edinburgh Review*', pp. 250-251. See also Force, *Self-Interest before Adam Smith*, pp. 18-24; Rasmussen, *Problems and Promise of Commercial Society*, pp. 59-71.

<sup>120</sup> Gautier, *Refutation of the Discourse* [1751], pp. 81-82; Lecat, *Refutation by an Academician*, p. 170.

genuinely needed to be confuted if the true principles of both natural and political right were to be established. By historicising the passions that Hobbes thought natural to man, Rousseau recreated a space in man's genealogy for the golden age, which would serve as a model of the good life throughout his thought.

Given his assertion that Hobbes thought that man is naturally evil, Rousseau's understanding of Hobbes might be considered as superficial or even derived predominantly from secondary commentators.<sup>121</sup> Hobbes had quite explicitly stated that men are not evil by nature, and made the point (which Rousseau would later echo) that the passions that arise from nature are not evil in themselves.<sup>122</sup> However, Rousseau appears to have paid close attention to the very page of *De Cive* on which Hobbes claimed that man is not naturally evil, as he proceeded quite accurately to clarify that Hobbes thought the evil man to be like a robust child, against which he argued that to be dependent and robust are contradictory suppositions in the state of nature.<sup>123</sup> Dependency is a result of man's weakness, whereas to be robust man must be independent. Moreover, the passions that Hobbes thought could be excused as arising from nature, were ones that Rousseau deemed not natural at all, rather their development is part of the story by which man becomes evil by abusing his natural faculties. When Rousseau claimed that Hobbes's man was evil, then, he was neither simply deferring to the prevalent view nor misreading Hobbes. Rather on Rousseau's account and definition, even if not on Hobbes's, the passions that Hobbes attributed to natural man were ones that rendered man evil.

The view that Hobbes had misattributed social passions to natural man was by no means unique to Rousseau, with both Barbeyrac and Montesquieu having levelled similar charges against Hobbes and Pufendorf. However, it is only with Rousseau that the critique was fully developed by charting the rise of the passions that Hobbes had thought natural within a detailed account of man's genealogy. Amongst French commentators it was widely regarded that Hobbes derived the laws of nature from man's *amour-propre*, and it was at least true to Sorbière's French translation of *De Cive* that Hobbes considered all societies to develop from this passion.<sup>124</sup> The passions that Hobbes attributed to natural man were ones associated with man's inflamed *amour-propre*,<sup>125</sup> and Rousseau criticised Hobbes not only for failing to recognise that this level of *amour-propre* was not natural to man, but also for not appreciating that pity tempers the ardour of *amour-propre* in its earliest stages. In a note to his criticism of Hobbes, Rousseau

<sup>121</sup> MacAdam, 'The Social Contract with and without *Inequality*', p. 93

<sup>122</sup> Hobbes, *De Cive*, 'Preface', *Cam.11/ Par.72-73*.

<sup>123</sup> Rousseau, *Second Discourse*, *CW3:35/ OC3:153-154*; see also *Emile*, *CW13:196/ OC4:288*. C.f. Hobbes, *De Cive*, 'Preface', *Cam.11/ Par.73*. A similar example is used by Hobbes in *Leviathan*, p. 73; however the term 'enfant robuste' that Rousseau employed is unique to (Sorbière's) *De Cive*. I have found no reference to the passage in earlier French commentaries on Hobbes, although it was picked up on by others following Rousseau, such as Helvétius, *De l'Esprit* [1758], II.2, p. 59, and Diderot, 'Hobbisme', *PW*, p. 28.

<sup>124</sup> Hobbes, *De Cive*, I.2, *Cam.24/ Par.92*.

<sup>125</sup> Rousseau wrote of the dangers of inflaming (*enflamer*) *amour-propre* in *Emile*, *CW13:403/ OC4:540*. It is now customary amongst commentators to refer to the negative effects of 'inflamed' *amour-propre*, following Dent, *Rousseau*, pp. 56-58.

elucidated what he took to be the true nature of the passion:

*Amour-propre* and *amour de soi-même*, two passions very different in their Natures and their effects, must not be confused. *Amour de soi-même* is a natural sentiment which inclines every animal to watch over its own preservation, and which, directed in man by reason and modified by pity, produces humanity and virtue. *Amour-propre* is only a relative sentiment, artificial and born in Society, which inclines each individual to have greater esteem for himself than for anyone else, inspires in men all the harm they do to one another, and is the true source of honour... in our primitive state, in the genuine state of Nature, *amour-propre* does not exist<sup>126</sup>

This passage is of great significance as it is the first time that Rousseau articulated the difference between *amour de soi-même* and *amour-propre*, a distinction that proves pivotal for understanding a great deal of his thought and the psychology of which he would fully expound later in *Emile*. Rousseau first explicated this distinction in direct response to Hobbes and for the very purpose of refuting him.<sup>127</sup> Hobbes was right to start from man's self-love, but he had failed to appreciate the distinction between *amour de soi-même* and *amour-propre*, and for this reason rendered man's natural state wretched.

To understand how natural man developed towards both the golden age and the state that Hobbes depicted, the development of pity and *amour-propre* needs to be charted. In the *Second Discourse* Rousseau claimed that pity is a principle of natural right anterior to reason, which precedes all reflection and can be discerned even in animals. This definition appears problematical, however, when read alongside Rousseau's posthumously published *Essay on the Origin of Languages* – which he described as a fragment to the *Second Discourse* – in which he stated that

Pity, although natural to the heart of man, would remain eternally inactive without the imagination that puts it into play. How do we let ourselves be moved to pity? By transporting ourselves with the suffering being. We suffer only as much as we judge he suffers; it is not in ourselves, it is in him that we suffer. Consider how much this transport presupposes acquired knowledge! How could I imagine evils of which I have no idea? How would I suffer in seeing someone else suffer if I do not even know that he is suffering, if I do not know what he and I have in common? He who has never reflected cannot be clement, or just, or pitying – no more than he can be wicked and vindictive. He who imagines nothing feels only himself; he is alone in the midst of mankind.<sup>128</sup>

The contradiction between the two works appears irresolvable; in one Rousseau claims that pity

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<sup>126</sup> Rousseau, *Second Discourse*, CW3:91/ OC3:219. It is worth stressing that even when talking about the most negative effects of *amour-propre*, Rousseau still added that it is the true source of honour.

<sup>127</sup> See also Derathé, *Rousseau et la Science Politique*, pp. 109-110, 137-141; Cladis, *Public Vision, Private Lives*, pp. 60-61; Evrigenis, 'Freeing man from sin', pp. 12-14; Tuck, 'Amour-propre', *Lectures*.

<sup>128</sup> Rousseau, *Essay on the Origin of Languages, In Which Melody and Musical Imitation are Treated*, CW7:306/ OC5:395-396; see also *Emile*, CW13:374-375/ OC4:505-506.

precedes in man the use of all reflection, whereas in the other reflection is necessary for pity to become active.<sup>129</sup> The important point for considering the psychological development of man in relation to Hobbes, however, is simply that pity precedes *amour-propre*.<sup>130</sup> For man's pity to be active he has to identify with others (man or beast) only as sentient beings like himself, from this alone he develops a natural repugnance to seeing them suffer. However, the level of identification required for *amour-propre* to develop is much greater, as this passion only forms once man begins to reason and to consider the advantage to be had in the opinion held of him by others. Pity alone, Rousseau claimed, contributes to the mutual preservation of the species and 'takes the place of Laws, morals, and virtue' before *amour-propre* even begins to develop.<sup>131</sup>

Once *amour-propre* does become active the result is still far from a Hobbesian state of war. This is because as *amour-propre* begins to develop, its ardour is assuaged by pity, which by this stage is in full force. Man begins to unite with others as chance circumstances draw him into more frequent intercourse with those around him. As others act in the same way as he would himself, experience teaches him that 'love of well-being is the sole motive of human actions' and the common interest thereby perceived leads men to unite together in herds.<sup>132</sup> Over time this leads to the first revolution in man's existence when families were established, which later formed into small societies where morality and the duties of civility first developed. Rousseau deemed that, on reflection, this stage in man's genealogy must have been 'the best for man', where pity, although altered, remained fully active 'maintaining a golden mean between the indolence of the primitive state and the petulant activity of our *amour-propre*, [this] must have been the happiest and most durable epoch.'<sup>133</sup>

Hobbes, according to Rousseau, had only presented the petulant effects of man's *amour-propre* and failed to recognise that in its earliest stages it is tempered by pity. This was no small omission, for the golden age of man's existence was precisely that stage when *amour-propre* was active yet assuaged by pity. Amongst Rousseau scholars, *amour-propre* was long thought to be a purely negative passion, but following Nicholas Dent's seminal analysis it is now widely recognised to have the potential to be directed either towards virtue or vice.<sup>134</sup> This is usually supported by reference to *Emile*, where Rousseau wrote that *amour-propre* is

<sup>129</sup> The problem is a longstanding one for Rousseau scholars. Goldschmidt provides a detailed account of how pity develops as man's condition changes, *Anthropologie et Politique*, pp. 337-341, which Force follows to claim that there are two types of pity, one prior to all reflection and another based on identification, *Self-Interest before Adam Smith*, p. 39. Similarly Scott suggests that the contradiction may be explained by a change of emphasis, 'Rousseau and the Melodious Language of Freedom', pp. 809-810. Scott makes the important point that pity simply requires imagination, which is anterior to reason, yet the contradiction between the two texts concerns whether pity is anterior to reflection not reason and on this point it seems more difficult to explain the contradiction away.

<sup>130</sup> This point is consistent between Rousseau's works, for example in *Emile* pity is described as 'the first relative sentiment which touches the human heart according to the order of nature.' *CW*13:374/ *OC*4:505.

<sup>131</sup> Rousseau, *Second Discourse*, *CW*3:37/ *OC*3:156.

<sup>132</sup> Rousseau, *Second Discourse*, *CW*3:44-45/ *OC*3:166.

<sup>133</sup> Rousseau, *Second Discourse*, *CW*3:48/ *OC*3:170-171; *Essay on Languages*, *CW*7:306-307/ *OC*5:396. This is the state that Rousseau perceived contemporary societies of savages to have reached.

<sup>134</sup> Dent, *Rousseau*, pp. 52-86. The most comprehensive study of the potential for *amour-propre* to be directed towards either virtue or vice is now that by Neuhauser, *Rousseau's Theodicy of Self-Love*.

‘naturally neutral.’<sup>135</sup> Yet it is worth stressing that even as early as the *Second Discourse amour-propre* could have positive manifestations;<sup>136</sup> so far from being a solely negative passion, the golden age for man could only occur once *amour-propre* had become active.

By historicising the passions that Hobbes had attributed to natural man, Rousseau was able to recreate a space in man’s genealogy for the golden age. This is the time when pity tempered man’s *amour-propre* and men lived a simple and harmonious life, ‘content with their rustic huts’ before the great revolution in man’s state brought about by the development of agriculture and metallurgy.<sup>137</sup> Again, it is worth noting that the critics of Rousseau’s *First Discourse*, deferring to a Hobbesian picture of natural man, had ridiculed such a possibility:

It is a long time since the chimera of the golden age has been abandoned: that everywhere barbarism preceded the establishment of societies is a truth proven by the annals of all peoples. Everywhere, needs and crimes forced men to unite, to impose laws on themselves, to surround themselves with walls.<sup>138</sup>

Rousseau was not quite alone amongst his contemporaries in eulogizing the simple life of the golden age against those who extolled the benefits of luxury. It is to be found, for instance, in the portrayal of Bétique in François de Fénelon’s *Telemachus* (one of Rousseau’s favourite books).<sup>139</sup> Yet Fénelon’s account remained fictitious and could still be read as the sort of chimera depicted by Rousseau’s critics. Rousseau, however, was the first to revive the idea of the golden age and incorporate it into a genealogy of man that could be used against those that deemed the state of nature – or society prior to commerce, arts and science – as barbaric and miserable. Michel de Montaigne may have also proved an important source for Rousseau’s recovery of the golden age. In a note to the *First Discourse* Rousseau had drawn on Montaigne’s ‘On the Cannibals’ to argue that the savages of America lived a life more perfect than that which could have been enjoyed under the laws of Plato,<sup>140</sup> and what Montaigne said of Plato and Lycurgus, Rousseau might well have said of Hobbes, Pufendorf and the *doux commerce* theorists:

They could not even imagine a state of nature so simple and so pure as the one we have learned about from experience; they could not even believe that societies of men could be

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<sup>135</sup> Rousseau, *Emile*, CW13:225/ OC4:322.

<sup>136</sup> See also Goldschmidt, *Anthropologie et Politique*, pp. 453–457; Trachtenberg, *Making Citizens*, pp. 100–103.

<sup>137</sup> Rousseau, *Second Discourse*, CW3:49/ OC3:171. Although in many respects Rousseau’s genealogy appears Epicurean, Stoic influences were equally important and one should not be too quick to conclude (as did some of his contemporaries) that Rousseau was simply recounting the Epicurean account of man’s development as found in Lucretius. Indeed it is in depicting this golden age, in which men lived according to nature and were good without being virtuous or philosophers, that Rousseau most resembled Seneca, especially the thought that a ‘thatched roof once covered free men; under marble and gold dwells slavery.’ *Epistulae Morales*, 90.10, vol. II, p. 403.

<sup>138</sup> Bordes, *Discourse on the Advantages of the Sciences and Arts* [1751], p. 93. See also Lecat, who claimed that the golden age ‘is a pretty fairy tale’, *Refutation by an Academician*, p. 163 and more generally Mandeville’s Sixth Dialogue, *Fable*, II, especially pp. 307–310.

<sup>139</sup> Fénelon, *Telemachus* [1699], Book VII, pp. 109–114.

<sup>140</sup> Rousseau, *First Discourse*, CW2:9/ OC3:11–12.

maintained with so little artifice, so little in the way of human sorder.<sup>141</sup>

### Harmony, contradiction and the Hobbesian moment

Rousseau's depiction of the golden age may have aimed to refute the state of nature theories employed by his adversaries, yet the role it plays in his wider thought is not immediately evident. Rousseau was adamant that civilized man could never return to such a state, and even if his critics accepted that the golden age might not have been a chimera, they could have still dismissed it as an anachronism. Indeed at the beginning of the *Geneva Manuscript*, in a chapter omitted from the final version of the *Social Contract*, Rousseau wrote that 'the happy life of the golden age was always a state foreign to the human race.' This is not because such a state never existed, but rather because when it did exist man was not enlightened enough to recognise it as a golden age, and now that man is enlightened he is prevented from ever enjoying such a simple state.<sup>142</sup> Perhaps more seriously, however, there is also a question concerning the internal consistency of Rousseau's account, as he exemplified his principle of natural goodness amongst the isolated monads in Part One of the *Second Discourse*, but then presented social, tribal societies at the beginning of Part Two as the golden age for man.<sup>143</sup>

To allay these concerns, Rousseau's principle of natural goodness must be considered further by addressing the questions of why goodness was exemplified in natural man and how the golden age relates to natural goodness. For Rousseau, one of the greatest evils that man could experience was contradiction, either from conflicting internal passions and inclinations, or between his internal desires and his external condition. For man to be happy and lead a good life he must possess unity both within himself and with his external surroundings, thereby enjoying a harmonious existence. This is a recurrent theme throughout Rousseau's thought, but is most explicitly set out in an unpublished fragment on the public happiness:

What causes human misery is the contradiction between our conditions and our desires, between our duties and inclinations, between nature and social institutions, between the man and the citizen. Make man united and you will make him as happy as he can be. Give him entirely to the state or leave him entirely to himself; but if you divide his heart, you tear him to pieces.<sup>144</sup>

Man, as portrayed in the most primitive state of nature, lived a life of goodness, happy in his solitary existence. Natural man lived alone and with limited resources, yet he nevertheless enjoyed 'original happiness'. This is precisely due to the ease with which his primitive wants

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<sup>141</sup> Montaigne, 'On the Cannibals', *Essays*, pp. 232-233.

<sup>142</sup> Rousseau, *Geneva Manuscript*, CW4:77/ OC3:283.

<sup>143</sup> Fralin makes these criticisms, not without warrant, of Melzer's thesis, 'Review: The Natural Goodness of Man', p. 688.

<sup>144</sup> Rousseau, *Political Fragments*, CW4:41/ OC3:510.

could be satisfied as his 'desires [did] not exceed his physical needs.'<sup>145</sup> Living predominantly by himself, natural man was united, neither drawn into contradiction internally nor externally.<sup>146</sup> All that he required could easily be obtained and his primitive desires were so few that they would have rarely come into conflict with each other. Moreover, he had no natural inclination to harm others and was compassionate; he would sooner avoid another man than harm him. Rousseau's conception of natural goodness was pre-moral, as the goodness of natural man pertained to the simplicity of his physical condition and passions. His moral faculties were yet to develop and the harmony that man enjoyed in his most primitive state was in part due to the fact that his moral side lay dormant and would not come into conflict with his physical side. When Rousseau stated that man is naturally good, then, he simply meant that there is nothing inherent in man's nature that causes conflict either within himself or with others. The first movements of nature are always good and right.<sup>147</sup>

Even if the most primitive state exemplified man's natural goodness, he could still live in conformity with nature in more developed states. As man becomes a moral being his desires and needs change and thus the external conditions must alter if they are to be satisfied. Rousseau considered the golden age to be one in which man's desires were still limited to simple needs and where compassion and the sweet sentiments of conjugal and patrimonial love bound individuals together. Although these passions developed in the family, it was only in the slightly larger societies of the golden age that the state was least subject to revolutions and would have been the best for man. In this golden age man lived a harmonious existence and to the extent that his life was free from contradiction he lived in accordance with nature.

Nature would serve as a normative standard throughout Rousseau's thought and he was more concerned with the polarity between living in accordance or contradiction with nature, than that between nature and society or artifice.<sup>148</sup> To be sure, Rousseau frequently employed nature in a descriptive sense, referring to a pre-civilized natural man and the state of nature, which owed much to his predecessors in the natural law tradition such as Hobbes and Pufendorf. Yet Rousseau also referred to the 'Gifts of Nature' and maintained that what is good and just is so in accordance with nature; an understanding of nature as a normative standard that, amongst his immediate predecessors at least, more closely resembled Burlamaqui.<sup>149</sup> For man's life to be in accordance with nature he must enjoy an ordered and harmonious existence without alienating his gifts of nature: his life and freedom. This understanding of nature as a normative

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<sup>145</sup> *Second Discourse*, CW3:27/ OC3:143. Elsewhere Rousseau reiterated that the 'happiness of the natural man is as simple as his life.' *Emile*, CW13:324/ OC4:444.

<sup>146</sup> Similarly, Melzer explains this as man being both good for himself and good for others, *Natural Goodness of Man*, p. 16.

<sup>147</sup> Rousseau, *Dialogues*, CW1:9/ OC1:668; *Letter to Beaumont*, CW9:28/ OC4:935-936; *Emile*, CW13:225/ OC4:322.

<sup>148</sup> Cooper, *Rousseau, Nature and the Problem of the Good Life*, p. 48. See also Marks, who revises Cooper's thesis by stressing the teleological aspects of the conception of nature, 'Rousseau and Rousseauism', and Viroli who draws the conceptual distinction between the order of nature and the natural state, *Rousseau and the 'well-ordered society'*, p. 33.

<sup>149</sup> Douglass, 'Rousseau's Debt to Burlamaqui', pp. 211-220.

standard was not only applicable to man's original state, thus a legitimate body politic would also have to be in accordance with nature. As Rousseau wrote in *Emile*, one 'must not confound what is natural in the savage state with what is natural in the civil state.'<sup>150</sup>

The golden age, then, provided a model of the good life for Rousseau as it was in accordance with nature. This is not a state that could ever be regained, but one that presents an ideal of a unified and harmonious existence where man is free from contradiction. The good life, for civilized man, would only be possible if such harmony could be restored in the ideal body politic. To do so the contradictions that develop through man's socialisation as delineated in the remainder of the *Second Discourse* would have to be remedied. It is worth turning to those contradictions presently, with the model of natural goodness outlined, to consider man's fall from the golden age and whether, and if so why, Rousseau had recourse to a Hobbesian moment in his genealogy of modern society.

According to Rousseau, the great revolutions of agriculture and metallurgy drew men out from the golden age and led to the successive development of many other arts and therewith inequality of fortunes. At this stage '*amour-propre* [was] aroused', as not just physical abilities but also qualities of mind and beauty became esteemed and were sought after. All men needed the help of others to survive, and in this new state of entrenched interdependence a man's worth was only the opinion that others had of him. Thus to 'be and to seem to be became two altogether different things', and from this distinction followed all of the vices.<sup>151</sup>

For Rousseau, *amour-propre* became inflamed and a source of vice when it led man to be drawn into contradiction, concerned with his reputation before all else. Where the savage man lived inside of himself, the sociable man, 'always outside of himself, knows how to live only in the opinion of others; and it is, so to speak, from their judgment alone that he draws the sentiment of his own existence.'<sup>152</sup> It is only when man lives in the opinion of others that he becomes deceitful, jealous and vicious, as he is concerned with his own standing amongst others yet wants to attain this with the least possible inconvenience to himself. Rousseau was at his most vehement about these ill effects in his earliest discussion of *amour-propre*:

Thus it is a very marvellous thing to have made it impossible for men to live among themselves without being prejudiced against, supplanting, deceiving, betraying, mutually destroying each other! Henceforth we must beware of letting ourselves be seen as we are: for two men whose interests agree, a hundred thousand can be opposed to them, and there is in this case no other means to succeed than to deceive or ruin all these people. This is the deadly source of violence, treachery, perfidy, and all the horrors necessarily demanded by a state of things in which each – pretending to work for the fortune and reputation of the others – seeks only to raise his own above them and at their expense.<sup>153</sup>

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<sup>150</sup> Rousseau, *Emile*, CW13:588/ OC4:764.

<sup>151</sup> Rousseau, *Second Discourse*, CW3:51-52/ OC3:174-175.

<sup>152</sup> Rousseau, *Second Discourse*, CW3:66/ OC3:193.

<sup>153</sup> Rousseau, *Preface to Narcissus: Or the Lover of Himself* [1753], CW2:193/ OC2:968-969.



The problem with the perfection of the arts and onset of commercial society is one of contradiction, as each man's interests conflict with those of others around him. In pursuing his own good man must pretend to be doing otherwise. To this extent he is torn in two directions and a contradiction emerges between his natural *amour de soi-même* and his socially acquired *amour-propre*; satisfying one does not satisfy the other, thus man's very existence is divided. *Amour-propre* is only an evil, then, when it leads to man living outside of himself, when his interests conflict with the reputation that he desires from others, hence rendering the satisfaction of his *amour de soi-même* and *amour-propre* in constant opposition. To restore unity to socialised man he would have to live in a state where his *amour de soi-même* and *amour-propre* did not drive him in opposite directions and where the harmony between the two passions could be restored.<sup>154</sup>

Man's natural goodness comprises his harmonious existence and man only becomes evil as he develops passions associated with inflamed *amour-propre*. These 'factitious passions', according to Rousseau, 'have no true foundation in Nature.'<sup>155</sup> It is at this point in Rousseau's genealogy that there appears to be a Hobbesian moment, where 'the unbridled passions of all, stifling natural pity and the as yet weak voice of justice, made men avaricious, ambitious, and evil', from which 'the most horrible state of war' ensued.<sup>156</sup> There is one sense in which Rousseau's account is very Hobbesian, for war is only a result of man's unrestrained passions that develop from his *amour-propre*. What is more, Rousseau stated that this development 'has been in appearance so many steps toward the perfection of the individual, and in fact towards the decrepitude of the species.'<sup>157</sup> So far from being the individualistic dream,<sup>158</sup> then, the decay of the species in the *Second Discourse* is actually a result of the same causes that led to the state of war in Hobbes's theory: the onset of *amour-propre* and the pursuit of rampant individualism. This being said, the differences between Hobbes's and Rousseau's accounts are more telling than the similarities. Most significantly, Rousseau considered that the state of war could only develop once equality had been destroyed. The inflamed passions that Hobbes attributed to natural man were, on Rousseau's account, only the consequence of entrenched inequality and they could never have been aroused in a state of equality.<sup>159</sup>

As far as Rousseau did have recourse to a Hobbesian moment, then, it was for the very purpose of demonstrating the illegitimacy of societies justified from a Hobbesian state of war.

<sup>154</sup> See Chapter Four, 'The right type of love'.

<sup>155</sup> Rousseau, *Second Discourse*, CW3:66/ OC3:192.

<sup>156</sup> Rousseau, *Second Discourse*, CW3:52-53/ OC3:176.

<sup>157</sup> Rousseau, *Second Discourse*, CW3:49/ OC3:171.

<sup>158</sup> According to Melzer, the first and most obvious contradiction in Rousseau's *œuvre* is that between the radical individualism of the *Second Discourse* and the radical collectivism of the *Social Contract*, *Natural Goodness of Man*, p. 3. See also Plattner, who argues that the individualistic emphasis of the *Second Discourse* reflects the deepest level of Rousseau's thought more adequately than the collectivist emphasis of the *Social Contract*, *Rousseau's State of Nature*, p. 120.

<sup>159</sup> Hobbes considered that the equality of the state of nature led to war and that inequality was only introduced by civil laws, *De Cive*, I.3, *Cam.*26/ *Par.*95. Montesquieu had earlier levelled a similar objection against Hobbes, claiming that it was only when natural equality ceased that the state of war ensued, *Spirit of the Laws*, I.3, p. 7.

Rousseau considered that it was only by illustrating the horror of this situation that the rich were able to convince others to unite into society and establish laws, as all men ‘ran to meet their chains believing they ensured their freedom.’<sup>160</sup> The establishment of such societies

gave new fetters to the weak and new forces to the rich, destroyed natural freedom for all time, established forever the Law of property and inequality, changed a clever usurpation into an irrevocable right, and for the profit of a few ambitious men henceforth subjected the whole human Race to work, servitude, and misery.<sup>161</sup>

Rousseau maintained that once inequality had become rife amongst men the only political bodies to form would have been the result of the rich and powerful deceiving the weak. Far from this being legitimate, as it arose from a state of war, the purpose of Rousseau’s genealogy was to reveal just how far removed the preceding state of inequality was from man’s original condition. The Hobbesian story of the origin of society and its rationale was one where force prevailed and men were led to debase themselves by alienating their gifts of nature. Rousseau’s genealogy, then, served the purpose of critique, exposing the prevailing justifications of political order and inequality as illegitimate. The point that Rousseau would make repeatedly against Hobbes and those who followed him was that society cannot be justified solely by its ability to provide for preservation and sustain peace. Such a justification would only be valid if man’s natural state was really one of nascent inequality where unbridled passions led to perpetual conflict. This, however, was not the case. Before the onset of inflamed *amour-propre* and unrestrained individualism, man lived a harmonious life in which he was not forced to alienate his gifts of nature. It is this vision of the golden age and not the Hobbesian state of war against which, according to Rousseau, all political states must be measured.<sup>162</sup>

### **Rousseau’s critique, reappraised**

Having examined Rousseau’s engagement with Hobbes in the *Second Discourse* in some depth, the problems raised at the beginning of the chapter may now be addressed. To recap: first, Rousseau’s critique of Hobbes appears to have missed the mark given the different purposes the state of nature served in their respective theories. Second, as Rousseau had recourse to a Hobbesian moment in the *Second Discourse* the salience of his critique seems, in some respects at least, to be undermined. The latter of these two concerns may be passed over briefly. From the foregoing discussion it should be evident that Rousseau employed a Hobbesian moment in his story to show why societies justified against a state of conflict were illegitimate, thus countering one stand of the Hobbesian justification. The more interesting point of resemblance is that both Hobbes and Rousseau viewed such conflict as being a result of inflamed *amour-*

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<sup>160</sup> Rousseau, *Second Discourse*, CW3:53-54/ OC3:177-178.

<sup>161</sup> Rousseau, *Second Discourse*, CW3:54/ OC3:178.

<sup>162</sup> Rousseau, *Second Discourse*, CW3:63-64/ OC3:189-190.

*propre*, the passions thereby aroused and the pursuit of individualism. Yet where for Hobbes such passions led to conflict amongst men living in equality together without civil law, for Rousseau the passions were only the result of the transformed social relations brought about by the development of inequality.

A subject of greater debate, however, is the degree to which Rousseau's critique speaks to Hobbes's theory, if it does so at all. There seems to be some consensus that Rousseau completely missed the point of Hobbes's account of the state of nature.<sup>163</sup> As one commentator recently put it, 'Rousseau's criticism of Hobbes fails as a matter of apples and oranges'; they were simply talking about very different things.<sup>164</sup> To some extent this view is accurate. Hobbes certainly did not provide an account of man's primitive nature; rather he claimed that there is a need to view the commonwealth as taken apart, 'to understand correctly what human nature is like'.<sup>165</sup> Human nature, viewed this way, is just the nature of socialised man abstracted from society; indeed much of the evidence that Hobbes adduced in support of his view of human nature was drawn from the behaviour of men in civil society, such as the famous examples of people sleeping with closed doors for fear of thieves and arming themselves against bandits when travelling.<sup>166</sup> To the extent that Hobbes's state of nature theory was concerned *solely* with depicting the miserable condition that men would fall back into without a sovereign,<sup>167</sup> Rousseau's critique may have missed the mark – knowledge of primitive man is irrelevant for such a purpose; all that needs to be known is the nature of man living in civil society.

This view of Hobbes's philosophy, however, is inadequate, or at least incomplete. Whilst it goes without saying that Hobbes was centrally concerned with portraying the condition of men living together without the force of civil law, this was by no means his sole purpose. Hobbes wanted to make civil philosophy a science, much like geometry,<sup>168</sup> for which it was necessary to start with the nature of man. This is most evident in the opening lines of the *Elements of Law*, where Hobbes stated that

THE true and perspicuous explication of the Elements of Laws, Natural and Politic, which is my present scope, dependeth upon the knowledge of *what is human nature*, what is a body politic, and what it is we call law.<sup>169</sup>

Similarly, in the Introduction to *Leviathan*, Hobbes stressed that it is not enough to know man in particular; rather the much harder task of knowing 'Man-kind' in general must be pursued.<sup>170</sup>

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<sup>163</sup> This of course depends on the exact purpose attributed to Hobbes's state of nature, which is itself a debatable subject. For discussion of this and the variations between Hobbes's arguments in his different works see Tricaud, 'Hobbes's Conception of the State of Nature'.

<sup>164</sup> Steinberg, 'Hobbes, Rousseau and the State', p. 597.

<sup>165</sup> Hobbes, *De Cive*, 'Preface', *Cam. 10/ Par. 71*.

<sup>166</sup> Hobbes, *De Cive*, 'Preface', I.2, *Cam. 10, 25/ Par. 72, 94*.

<sup>167</sup> For an example of this reading see Bobbio, *Hobbes and the Natural Law Tradition*, pp. 41-44.

<sup>168</sup> Indeed Hobbes boasted that civil philosophy was no older than his *De Cive*. See *De Corpore* [1655], trans. as *Elements of Philosophy. The First Section, Concerning Body*, EW1:ix.

<sup>169</sup> Hobbes, *Elements*, I.1, p. 21(emphasis added).

<sup>170</sup> Hobbes, *Leviathan*, p. 11.

Even if Rousseau was not familiar with these remarks, Hobbes's intentions are clear enough from *De Cive*, which is presented as the final section of his elements of philosophy.<sup>171</sup> If Hobbes's civil philosophy was to be a true science then it must rest on an accurate account of human nature, for this in turn would shape both the arguments concerning the state of nature and civil society. The importance of uncovering the true nature of man was as paramount for Hobbes as it was for Rousseau.

Rousseau, quite justifiably, read Hobbes's account of the state of nature as being an inference from the passions.<sup>172</sup> To this end he argued that Hobbes had misconstrued the passions natural to man by failing to understand the development of *amour-propre* and pity. The success of Rousseau's critique, however, is a matter of some contention. With respect to *amour-propre*, Richard Tuck argues that 'Hobbes is really [Rousseau's] major precursor, even if Rousseau was scarcely aware of this fact.'<sup>173</sup> Tuck turns to the first part of the *Elements of Law*, where Hobbes's theory of the passions was most clearly expounded, to demonstrate that Rousseau's account of *amour-propre* closely resembled the political and moral dangers that Hobbes attributed to the pursuit of vain-glory. For Hobbes, man's preoccupation with his own reputation and glory developed from the active use of his imagination, the same faculty that is instrumental in Rousseau's account of the development of man's socially acquired passions. Rousseau, not reading English, would have been unaware of the details of the first part of the *Elements*, and Tuck's point is to illuminate the similarities between their theories of the passions, rather than to claim that Rousseau was actually indebted to Hobbes for his understanding of *amour-propre*.<sup>174</sup> These similarities, however, do not detract from the force of Rousseau's critique. Rousseau acknowledged that Hobbes's account of the passions of man was accurate with respect to men living in civil society, but denied that those passions were natural to man. It should not, therefore, be surprising that the later stages of Rousseau's account of the development of *amour-propre* were largely in agreement with Hobbes's general theory of man's passions in the state of nature. What distinguishes the two is that Hobbes presented his theory as the inevitable and necessary result of men living together without a civil sovereign, whereas Rousseau depicted the negative manifestations of *amour-propre* as a decline from man's golden age.

Rousseau's account of pity has also come under criticism for being of little force and ultimately falling back into Hobbesian self-preservation.<sup>175</sup> Similarly Tuck argues that, for Rousseau, pity was meant to be a minimal principle set out against the developed accounts of sociability of the natural law theorists following Pufendorf. In this respect Rousseau resembled Hobbes (and even Grotius), to all of whom Tuck attributes the principle of minimal natural

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<sup>171</sup> Hobbes, *De Cive*, 'Preface', *Cam.* 13/ *Par.* 75.

<sup>172</sup> In *Leviathan* Hobbes first depicted the natural condition of mankind as an 'Inference, made from the Passions', before drawing on experience to confirm his account, p. 89.

<sup>173</sup> Tuck, 'Amour-propre', *Lectures*, p. 10.

<sup>174</sup> Tuck, 'Amour-propre', *Lectures*, pp. 17-26.

<sup>175</sup> Boyd, 'Pity's Pathologies Portrayed', p. 529.

sociability.<sup>176</sup> Hobbes had not countenanced natural men doing whatever they pleased, but only that which they judged necessary for their own preservation. On Tuck's reading, then, Rousseau's principle of natural right derived from pity, '*Do what is good for you with the least possible harm to others*',<sup>177</sup> might not seem all that far removed from Hobbes's laws of nature. Tuck is certainly right to draw attention to the affinities between the two thinkers concerning the question of sociability, yet this is not the reason that Rousseau insisted on pity against Hobbes. Rousseau claimed that as men begin to live together in settled communities their pity proves of greater force than their *amour-propre*, to the extent that pity tempers the ardour of *amour-propre* in its earliest manifestations. Hobbes's state of nature, on the contrary, is one where *amour-propre* (or the pursuit of vain-glory) is so rife that it stifles all other passions.<sup>178</sup> It is the way in which *amour-propre* and pity interact that is all important here. What Hobbes failed to recognise, according to Rousseau, was that *amour-propre* is not naturally inflamed and when tempered by pity the resulting condition, so far from being a state of war, would have been a golden age for man.

There are two interrelated reasons why Rousseau's critique of Hobbes does not simply miss the mark. The first is that having a true idea of the nature of man matters because of the importance of the state of nature in each of their theories. Hobbes presented a stark dichotomy between war and peace. Lasting peace could only be attained with undivided and uncontested sovereignty. The alternative of the state of nature, given the passions of man, would necessarily be one of war. Michael Oakeshott captured the predicament well when he wrote that, for Hobbes, there 'is a radical conflict between the nature of man and the natural condition of mankind'.<sup>179</sup> The purpose of sovereignty, in turn, was to bring conflict – or war – to an end, for which men's passions must be redirected in order to ensure peace. The state of nature thus served as a negative standard against which sovereignty could be justified. According to Rousseau, such a justification of sovereignty was no more than a trick that the rich and powerful played on the weak and poor. If man is depicted at his worst then even despotism might appear legitimate. Hobbes was wrong to postulate radical conflict in the state of nature, rather in the most primitive form of existence man lived a life of goodness, in harmony with nature. This was equally true of some of the earliest forms of social relations, which would have proved to be a golden age, even if man at the time was scarcely able to recognise it as such. By rediscovering the golden age in the genealogy of modern society, Hobbes's dichotomy of war or peace could be repudiated as man could have enjoyed a harmonious existence prior to the instigation of civil sovereignty. This harmonious existence provided a positive standard against which any legitimate civil society should be measured. Where Hobbes had lowered the bar, Rousseau

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<sup>176</sup> Tuck, 'Pitié', pp. 19-25. Tuck supports this with reference to the sixth precept of natural law in *De Cive*, III.11, *Cam.49/ Par.119*.

<sup>177</sup> Rousseau, *Second Discourse*, *CW3:37-38/ OC3:156*.

<sup>178</sup> Rousseau's reading of Hobbes was in this respect fairly close to that of Gabriella Slomp, who stresses the role of glory over fear in the state of nature, 'Hobbes on Glory and Civil Strife', pp. 187-192.

<sup>179</sup> Oakeshott, 'Introduction to *Leviathan*', p. 37.

sought to raise it again.<sup>180</sup>

The second reason why Rousseau's critique should be taken seriously is because it suggests the historically contingent status of Hobbes's natural man.<sup>181</sup> Hobbes's theory of the passions was largely constitutive of his account of human nature. Rousseau's sought to show that, like all philosophers of the time, Hobbes had only provided a historically contingent account of man that was not natural at all. Hobbes had only studied men, not man:

The great flaw of the Europeans is always to philosophize about the origin of things according to what happens around them... When one wishes to study men, one has to look close by, but in order to study man, one has to learn to cast one's eyes far off; first one has to observe the differences in order to discover the properties.<sup>182</sup>

These criticisms do not detract from Hobbes's state of nature theory if it is just read as portraying the conditions which men inevitably fall into when civil society breaks down. Yet Hobbes clearly intended his account of human nature to do more than this. Not only did he consider his account exemplified in the natives of America,<sup>183</sup> he also intended his theory of human nature, or of man, to underpin his whole civil philosophy, which he claimed to have raised to the level of science. Rousseau's point was that civil society as presented by Hobbes – and his account of human nature abstracted from society – is historically contingent and not true of man in all times and places.<sup>184</sup> If Rousseau was right then Hobbes's claim to have developed a science of civil philosophy is severely undermined, precisely because Hobbes aimed to ground his theory on general principles of human nature, not historically particular features of man's present state.

The most important aspect of Rousseau's critique was his refutation of the passions that Hobbes thought natural to man, for it is by way of this refutation that he was able to insist on man's natural goodness and recover the idea of the golden age as a model of the good life. Yet it was also imperative for Rousseau to present an account of the moral side of man constituted by the faculty of free will, which, even if indirectly, was developed against Hobbes. Man's free will underpinned Rousseau's all-important distinction between the moral and the physical, allowing him to stress the importance of freedom as a moral capacity which could not be impinged upon

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<sup>180</sup> The idea that Hobbes, following Machiavelli, lowered the goal of political philosophy is most forcefully argued by Strauss, *Natural Right and History*, pp. 166-202.

<sup>181</sup> Indeed Straussian and Marxist readings of Rousseau take him to have provided such a historicised account of man as to render the idea of human nature redundant. See for example Strauss, *Natural Right and History*, p. 274, and Horowitz, who claims that, for Rousseau, human nature 'is history,' *Rousseau, Nature, and History*, p. 52. However, the force of such interpretations rests on the misinterpretation that Rousseau's conception of nature is solely concerned with origins, see Marks, 'Rousseau and Rousseauism'.

<sup>182</sup> Rousseau, *Essay on Languages*, *CW*7:305/ *OC*5:394.

<sup>183</sup> Hobbes, *De Cive*, I.13, *Cam*.30/ *Par*.99.

<sup>184</sup> In this respect Rousseau's criticisms foreshadow those made much later by C.B. Macpherson, who famously argued that Hobbes's state of nature is inadequate because it is based on assumptions about men that only hold true of the possessive market society, *The Political Theory of Possessive Individualism*, pp. 68-70.

by force, a physical capacity. This aspect of Rousseau's account does not refute Hobbes's theory, but rather illuminates how much both realised was at stake concerning the question of free will. Indeed in the prolonged controversy on the subject with Bishop Bramhall, Hobbes argued that the distinction between moral and physical force is absurd. Hobbes ridiculed Bramhall for claiming that man's will is determined morally as opposed to physically, averring that 'what it is to determine a thing morally, no man living understands' and that '[m]oral motion is a mere word, without any imagination of the mind correspondent to it.'<sup>185</sup> Conversely, for Rousseau, obligation and sovereignty could only ever be legitimate if they could be obtained while respecting man's free will. The question of man's free will, then, would prove of great consequence for shaping both thinkers' accounts of sovereignty and of a legitimate social order.

To some extent Rousseau's critique was in keeping with the prevalent criticisms of Hobbes at the time. Rousseau's remarks on free will, for example, resembled those that Pufendorf had developed against Hobbes, which had in turn been echoed by Diderot and Burlamaqui. Similarly, Rousseau's refutation of the passions that Hobbes had attributed to natural man had been rehearsed by Barbeyrac and Montesquieu, although it was only with Rousseau that these passions were comprehensively historicised for the very purpose of refuting Hobbes. Rousseau did not, however, simply follow the likes of Pufendorf and the modern natural law theorists in their criticisms of Hobbes; such an explanation would fail to account for the extent to which their positions were also attacked in the *Second Discourse*. Yet it would be equally mistaken to view Rousseau as siding with Hobbes against those theorists, as, if this was the case, then Rousseau's own criticisms of Hobbes would make little sense. To fully understand Rousseau's engagement with Hobbes its deeply polemical character must be recognised. In the *Second Discourse* Rousseau sought to collapse the prevalent bifurcation between Hobbes and Pufendorf that had become so entrenched in eighteenth-century French thought. To do so was to reveal that both the natural law theorists of sociability and the *doux commerce* theorists were in fact indebted to a Hobbesian vision of man's natural condition. Both parties carried great weight amongst the Genevan patriciate at the time and the Enlightenment *philosophes*, and to associate their positions with the odious reputation of Hobbes was not only to undermine their theories but also to underline their hypocrisy.

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<sup>185</sup> Hobbes, *The Question Concerning Liberty, Necessity, and Chance* [1656], *EW*5:188, 293.

## Sovereignty and Law

*To put law over man is a problem in politics which I compare to that of squaring the circle in geometry.*<sup>1</sup>

In a letter of 1767 to the French economist and Physiocrat, Victor Riqueti Marquis de Mirabeau, Rousseau remarked that the problem of putting the law above man was fundamental to politics. If this could not be achieved then man would have to be placed completely above the law; there could be no middle ground, for it is the conflict between man and law that throws the state into continual civil war. The choice for Rousseau, then, was the most austere democracy or the most perfect Hobbism.<sup>2</sup> This concern was clearly still on Rousseau's mind between 1771-1772 when he was working on the *Considerations on the Government of Poland*, where, omitting any mention of Hobbism or civil war, he reaffirmed that this was the fundamental problem of politics. Indeed the problem permeates many of Rousseau's political writings but was most comprehensively explored in the *Social Contract*, which he later described as a work 'so decried, but so necessary; [where] throughout you will see the Law put above men; throughout you will see liberty laid claim to, but always under the authority of the laws'.<sup>3</sup>

In the *Social Contract* Rousseau sought to combine modern ideas on sovereignty employed by thinkers such as Bodin, Hobbes and Pufendorf, with the classical republican imperative of placing the law above men.<sup>4</sup> This alone would have been an ambitious project, yet Rousseau was also faced with evading a plethora of criticisms that he had levelled at prevalent justifications of the social order in the *Second Discourse*. These were discussed in some detail in the previous chapter but for present purposes and by way of recapitulation two problems may be highlighted. The first concerns the alienation of man's God-given gift of nature, his free will. Any legitimate social order, according to Rousseau, must be generated without man alienating his free will. The second problem concerns the status of nature as a normative standard. In modern societies man's duties and inclinations, his *amour de soi-même* and *amour-propre*, have been rendered in constant opposition, thus man lives a life rife with contradiction. The harmony and order of nature have been lost. Man's unity must be restored for the social body to be in accordance with nature; he must suffer neither internally from conflicting passions and inclinations nor from his interests being in contradiction with the external order of the body politic.

The approach pursued in this chapter assumes that the problems from the *Second*

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<sup>1</sup> Rousseau, *Considerations on the Government of Poland and on Its Planned Reformation*, CW11:170/OC3:955.

<sup>2</sup> 'Rousseau à Mirabeau, le 26 juillet 1767', CC33:239-240. Rousseau would later allow Mirabeau to publish their correspondence. For discussion of Rousseau's relationship with Mirabeau and the Physiocrats see Sonescher, *Before the Deluge*, pp. 222-239.

<sup>3</sup> Rousseau, *Letters from the Mountain*, CW9:234/OC3:811.

<sup>4</sup> For Rousseau, a republic was defined by the rule of law rather than that of men: 'I therefore call every State ruled by laws a Republic,' *Social Contract*, CW4:153/OC3:379.



*Discourse* informed the argument of the *Social Contract*, yet whether there was any such continuity between the two works has in the past proved a matter of some contention.<sup>5</sup> Even if the question appears to concern scholars less now, those who have more recently attempted to treat Rousseau's corpus as a coherent whole have nonetheless struggled to reconcile the *Social Contract* with the principle of natural goodness adumbrated in the *Discourse*, hence it has been claimed that the theme of unity is absent from the *Social Contract*, which is instead argued from the position of Hobbesian self-preservation.<sup>6</sup> Similarly, even in the most comprehensive explorations of Rousseau's theory of freedom, the importance of free will for the argument of the *Social Contract* remains understated.<sup>7</sup>

Rousseau was no doubt exaggerating when he asserted that everything 'that is bold in the *Social Contract* was previously in the *Discourse on Inequality*',<sup>8</sup> but there is nonetheless some truth to his claim. The present analysis, then, examines the *Social Contract* in light of the foregoing discussion of the *Second Discourse* to bring out the continuity between the two works and in doing so further elucidates Rousseau's relationship with Hobbes. Three aspects of this relationship are explored throughout the chapter, which for present purposes may be introduced separately although they are intertwined and analysed together as the chapter progresses.

The first way in which the relationship is explored is by demonstrating the extent to which Rousseau's political thought was concerned with problems of a fundamentally Hobbesian nature. This is most apparent when considering the chapter from the *Geneva Manuscript* entitled 'On the General Society of the Human Race', which provides something of a bridge between the *Second Discourse* and the *Social Contract*. Therein Rousseau accepted that any legitimate political order would have to offer solutions to the problems posed by Hobbes's state of nature theory. Indeed, like Hobbes, Rousseau maintained that it would be self-defeating for individuals to hold rights against the sovereign, and similarly argued that the will and judgement of the sovereign must be absolute and incontestable. More generally, both thinkers were concerned with the importance of establishing unity in the body politic and nowhere was this more evident than in Rousseau's discussion of civil religion, where he identified Hobbes as the only thinker to have understood both the nature of the problem and its remedy.

The other two ways in which the relationship between the thinkers is explored relate to the aforementioned problems concerning freedom and nature. Analysis of the *Geneva Manuscript* draws attention to the continuing importance of the natural law context for understanding the *Social Contract*, which upon publication was read as a contribution to debates

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<sup>5</sup> For a critical overview of this debate see MacAdam, 'The *Social Contract* with and without *Inequality*'.

<sup>6</sup> Melzer, *Natural Goodness of Man*, p. 115. The most notable exception is now provided by Cohen who, quite rightly, argues that Rousseau's ideal body politic is only possible if the vices are not natural to man and that the ideal state is only compatible with man's nature if man is naturally good, *Rousseau*, pp. 127-130. Cohen's argument builds on Rawls's analysis, *Lectures*, pp. 206-207.

<sup>7</sup> See especially Simpson, who claims that in the *Social Contract* the problem of free will was deliberately set aside, *Rousseau's Theory of Freedom*, p. ix. For notable exceptions see Miller, *Dreamer of Democracy*, pp. 165-201; Riley, *Will and Political Legitimacy*, pp. 98-124.

<sup>8</sup> Rousseau, *Confessions*, CW5:342/ OC1:407.

in modern natural law theory, with Rousseau's contemporaries comparing it to the works of Grotius and Pufendorf.<sup>9</sup> Pufendorf had criticised Hobbes by insisting on the importance of free will to make sense of obligation in contradistinction to coercion, and this criticism was adopted by many theorists following Pufendorf, including Rousseau. However, Rousseau thought that the accounts of sovereignty proposed by Hobbes's natural law critics were equally inimical to man's freedom. Much as he attacked Pufendorf and Hobbes in the *Second Discourse*, in the *Social Contract* Rousseau conflated the positions of Grotius and Hobbes to the same end; that of collapsing the prevalent bifurcation between Hobbes and the modern natural law theorists. Rousseau radically inverted the theories of sovereignty proposed by his predecessors by arguing that sovereignty could never legitimately be alienated from the people. This argument rested on Rousseau's understanding of the will and the importance he attached to free will in rendering the social order legitimate. The significance of free will for the argument of the *Social Contract* is thus examined in some detail, as it was arguably their different positions on this concept, more than anything else, that distinguished the political thought of Hobbes and Rousseau.

One respect in which nature proved important in the *Social Contract* follows from the significance of free will. For Rousseau, any legitimate social order would have to respect man's free will, along with his life, as inalienable gifts of nature. Nature was also important, however, in setting Rousseau apart from charges of Hobbism. In much eighteenth-century French thought Hobbes was considered to have reduced justice to the will of a superior and to have abandoned natural law or nature as a normative standard. More recently, this reading of Hobbes informs the criticisms of some Straussian commentators, who have accused Rousseau of succumbing to Hobbesian positivism. Such readings, however, misconstrue Rousseau's position. Although Rousseau thought that the social order had to be based on conventions, these would only be legitimate if in accordance with nature as a transcendent normative standard. Not only did a legitimate social pact have to preserve man's inalienable gifts of nature, but for the social order to be in accordance with nature man would have to recover a harmonious existence free from contradiction. In political terms this involved reconciling man's private will and general will. This project would ultimately prove beyond the scope of the *Social Contract*, even if Rousseau did indicate how it might be achieved in his discussion of the legislator's role in denaturing citizens.

The *Social Contract* was an incomplete text, at least in one important respect, as it was extracted from a larger projected work entitled *Political Institutions*. Given this it would be all the more remarkable if Rousseau had provided comprehensive solutions to the problems concerning free will and nature in the one work alone. This is not the case, and analysis of the *Social Contract* rather raises as many problems as it resolves, thus one purpose of this chapter is to elucidate the bearing of these problems, which are then discussed further in the following chapters. To understand how Rousseau thought a harmoniously ordered body politic could be

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<sup>9</sup> Derathé, *Rousseau et la Science Politique*, pp. 49-51; Taylor, 'Rousseau's reputation in France', p. 1564.

preserved in accordance with man's freedom requires analysis of the ways in which the passions could be cultivated in political society; a theme that was only touched upon in the *Social Contract*. Far from providing a comprehensive reading of the *Social Contract*, a more selective approach is pursued presently, addressing the interpretative problems that best elucidate both Rousseau's relationship to Hobbes and also the corollary themes of free will and nature that resonate throughout his *œuvre*.

### **From the state of nature to political society**

In the *Second Discourse* Rousseau stated that the advantages and inconveniences of all states must be weighed 'relative to the Rights of the state of Nature'.<sup>10</sup> Beyond this claim, however, he offered little impression of what a legitimate social order might look like. The final version of the *Social Contract* is just as elusive in providing the connection between his account of the state of nature and his developed theory of political institutions, as therein Rousseau declined to discuss his state of nature theory elucidated previously. One way of providing a partial bridge is to turn to Book I, Chapter II of the *Geneva Manuscript*,<sup>11</sup> the subject of which is that of 'why the necessity for political institutions arises',<sup>12</sup> a question that Rousseau had addressed in the *Second Discourse* but barely considered at all in the *Social Contract*. The chapter consists of a response to Diderot's *Encyclopédie* article 'Natural Right', which was eventually omitted from the final version of the *Social Contract*. Given that Rousseau had publically announced his break from Diderot in the preface to his *Letter to d'Alembert* in 1758,<sup>13</sup> the chapter may have been removed for fear that it would be dismissed as a personal attack on a former friend. There is, however, no conclusive evidence indicating why the chapter was omitted and Rousseau might have simply deemed it of less relevance by 1762.

In 'Natural Right' Diderot responded to a violent interlocutor by claiming that there is a general will of the human race, which must be consulted on questions of justice.<sup>14</sup> The aim of the short article was simply to define the difficult concept against the most commonly raised objections. Those objections, associated with Hobbes's position, were raised by an interlocutor who Diderot assumed was already committed to taking reason as his standard and who would thus adhere to what it prescribes. Against the violent interlocutor, who thinks it is equitable to satisfy his violent passions as long as he allows others to do likewise, Diderot's aim was simply

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<sup>10</sup> Rousseau, *Second Discourse*, CW3:63-64/ OC3:189-190. See also the *State of War*, CW11:73/ OC3:608.

<sup>11</sup> Rousseau was likely working on the *Geneva Manuscript* throughout the late 1750s, thus it bridges not only the content of the *Second Discourse* and the *Social Contract* but also the period of time that elapsed between the two works. Most of the content of the *Geneva Manuscript* was edited into the *Social Contract*, Book I, Chapter II being the most notable exception.

<sup>12</sup> Rousseau, *Geneva Manuscript*, CW4:76/ OC3:281.

<sup>13</sup> Rousseau, *Letter to d'Alembert*, CW10:255-256/ OC5:6-7.

<sup>14</sup> Diderot, 'Droit Naturel', *PW*, pp. 19-21. See also Chapter One, 'Diderot and the *Encyclopédie*', where the article is discussed in more detail.

to make the general will known. Diderot denied the Hobbesian premise that it was equitable for individuals to be judges of justice and injustice, on the grounds that this would be to insist that others will that which one wills for oneself. Rather he claimed that questions of justice must be put before mankind by consulting the general will, which applies to all and is universally accessible by the simple use of man's reason.

It is a point of some contention whether or not Diderot's argument in 'Natural Right' was aimed at Rousseau, or at least whether Rousseau thought that it was aimed at him. According to Robert Wokler, the article was simply directed at Hobbes and there is no reason to suppose that Rousseau would have thought the violent interlocutor referred to him.<sup>15</sup> By contrast, in their editorial notes to the *Geneva Manuscript*, Roger Masters and Christopher Kelly claim that 'Diderot intends the speech to represent Rousseau—and that Rousseau accepts the attribution'.<sup>16</sup> Most recently, Richard Tuck has claimed that Rousseau might have felt threatened by Diderot's article precisely because his own position was really so Hobbesian.<sup>17</sup>

The interpretation of the *Second Discourse* advanced in the previous chapter would suggest that Wokler's analysis is closest to the mark. Rousseau did not take the violent interlocutor to refer to himself but he did strongly object to the response that Diderot provided. The interlocutor should be understood as Hobbes, yet Rousseau thought that Diderot's refutation of Hobbes was inadequate. Diderot's argument was largely inspired by his reading of Pufendorf and Rousseau's chapter, in turn, was predominantly set out in opposition to the type of arguments advanced by the natural law theorists of sociability, rather than against Hobbes. Diderot and Pufendorf were thus Rousseau's main targets.<sup>18</sup> The reason for this is that Rousseau's starting point in the *Geneva Manuscript* was not the beginning of the *Second Discourse* – man's primitive nature that Hobbes had failed to capture – but rather the point when man's 'desires finally encompass the whole of nature' and political institutions become necessary.<sup>19</sup>

This stage in man's development, it should be noted, is not that which preceded the onset of the golden age in the *Second Discourse*, when man 'found himself able to distinguish the rare occasions when common interest should make him count on the assistance of his fellows'.<sup>20</sup> Instead Rousseau insisted that it 'is false that in the state of independence, reason leads us to cooperate for the common good out of a perception of our own interest'.<sup>21</sup> The state of independence depicted in the *Geneva Manuscript* is far removed from the golden age of the

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<sup>15</sup> Wokler, 'The Influence of Diderot on Rousseau', pp. 98-99.

<sup>16</sup> Masters & Kelly, editorial note 8 to Rousseau, *Geneva Manuscript*, CW4:235. See also Masters, *The Political Philosophy of Rousseau*, pp. 261-265.

<sup>17</sup> Tuck, 'The Making of a Reputation', *Lectures*, p. 24.

<sup>18</sup> See Wokler, 'Rousseau's Pufendorf', pp. 385-388; Schröder, 'Natural Law and Enlightenment', p. 301; Roche, 'Encyclopedias and the diffusion of knowledge', pp. 189-194; Williams, *Rousseau's Platonic Enlightenment*, p. 83.

<sup>19</sup> Rousseau, *Geneva Manuscript*, CW4:76/ OC3:282.

<sup>20</sup> Rousseau, *Second Discourse*, CW3:45/ OC3:166.

<sup>21</sup> Rousseau, *Geneva Manuscript*, CW4:79/ OC3:284.

*Second Discourse*. It is rather a state where man's life is already miserable, peace and innocence have been lost and 'nature's gentle voice is no longer an infallible guide for us';<sup>22</sup> that is, it is the state from which illegitimate justifications of the social pact developed in the *Discourse*.

Rousseau appears to have taken Diderot's article to be addressing the problem of whether or not natural right is of force before the instigation of positive law – the very question that concerned many of Hobbes's critics in the French natural law tradition.<sup>23</sup> To be sure, this was not really Diderot's intention, as he was only concerned with outlining what natural right entailed without considering its sanctions or the motivation for adhering to its precepts. Nonetheless, Rousseau objected to the article on two counts: first, that Diderot provided no incentive to adhere to natural law when it would be against one's own interests; and, second, that he mistakenly assumed that accessing the general will requires no more than the simple application of man's reason.

Rousseau's rejoinder to Diderot rested, in large part, on restating the argument behind Hobbes's account of the state of nature. The violent interlocutor, or the 'independent man' in Rousseau's rendition, responds to Diderot, 'the wise man', that he would be happy to observe the laws of nature if he were sure that all other men would reciprocate and observe them equally, but no such assurance exists. Diderot had argued against an interlocutor that was overcome by violent passions and, similarly, Rousseau stated that the point at which political institutions become necessary is when our 'needs bring us together in proportion as our passions divide us'.<sup>24</sup> Consequently, in this 'state of independence', man's private interest and the general good are mutually exclusive.<sup>25</sup> In such a state the Hobbesian interlocutor may well realise what constitutes the general good but he has no reason to moderate his actions accordingly unless assured that others will do likewise, for he would be unable to see how such moderation could protect him. Diderot's failure was not that of teaching the interlocutor what justice is but rather that of giving him a reason to compromise his self-preservation and revealing to him his interest in being just.

Although Rousseau provided a Hobbesian response to Diderot, he did accept some of Diderot's critique, at least for the purpose of the argument. Rousseau accepted that the interlocutor knowingly renounces the duties imposed on him by natural law. Amongst Rousseau's contemporaries, especially in the natural law tradition, it was widely regarded that the laws of nature were of no force in Hobbes's state of nature and that individuals willingly violated them. There is some justification for this claim, as for Hobbes it was certainly true that all the precepts of natural law could not obtain without the instigation of a sovereign to assure the security requisite for their practice. In the state of nature, however, it was in accordance with right reason (and thereby natural right) for individuals to judge what is necessary for their self-

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<sup>22</sup> Rousseau, *Geneva Manuscript*, CW4:77/ OC3:283.

<sup>23</sup> See Chapter One, 'Barbeyrac, Burlamaqui and natural law'.

<sup>24</sup> Rousseau, *Geneva Manuscript*, CW4:76/ OC3:282.

<sup>25</sup> Rousseau, *Geneva Manuscript*, CW4:79/ OC3:284.

preservation, thus in doing so individuals would not actually violate natural law.<sup>26</sup> Since each man has a natural right to self-preservation, the foundation of natural law was only to seek peace where peace can be had, and where not, to defend oneself.<sup>27</sup> It was precisely because peace could not be had in the state of nature that it would be against right reason to observe the other laws of nature which would then compromise one's self-preservation, therefore, they could only bind *in foro interno* and not *in foro externo*.<sup>28</sup>

Even if Rousseau did not appreciate all the nuances of Hobbes's argument, he did evince a greater awareness of the problems of the state of nature than was often displayed by his contemporaries, since he recognised that they could not simply be overcome by the invocation of natural law, irrespective of whether this was founded on the principle of sociability or the general will of the human race. If the principles of natural right 'were innate in every heart' – as for instance with Barbeyrac's (but not Pufendorf's) understanding of sociability – then it would be superfluous to teach them explicitly. Rousseau certainly considered that the principles of natural right were 'engraved in men's heart in indelible characters',<sup>29</sup> yet for this to refute the Hobbesian interlocutor 'it would be necessary that there had never arisen in his heart any of those passions that speak louder than conscience, [and] muffle its timid voice'.<sup>30</sup> The conditions that lead to the instigation of political institutions only arise because man's innate knowledge of natural right has been silenced by the development of his violent passions.

Diderot had not actually rested his argument on the principles of natural right being innate, but rather considered that they were known by a simple appeal to man's reason. Aside from failing to provide sufficient motivation for the Hobbesian interlocutor to act in accordance with such principles, this argument was open to another objection. Even if it is true, as Diderot had claimed, that the general will 'is a pure act of understanding that reasons in the silence of the passions', few people are to be found that demonstrate such understanding. Rousseau did not deny that natural law exists prior to positive law, but simply that it 'will always escape the multitude', at least under the conditions that make political institutions necessary. What is more, it is mistaken to think that knowledge of the general will requires such a simple application of man's reason:

Furthermore, since the art of generalizing ideas in this way is one of the most difficult and belated exercises of human understanding, will the average man ever be capable of deriving

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<sup>26</sup> Hobbes, *De Cive*, I.9, *Cam.*27-28/ *Par.*96-97.

<sup>27</sup> Hobbes, *De Cive*, I.15, II.2, *Cam.*31, 34/ *Par.*100, 103.

<sup>28</sup> Hobbes, *De Cive*, III.27, *Cam.*53-54/ *Par.*125. The status of Hobbes's laws of nature is a subject of great scholarly debate, which is beyond the scope of the present analysis. For an overview of the competing interpretations see Gauthier, 'Hobbes: The Laws of Nature', and for more comprehensive discussion see Zagorin, *Hobbes and the Law of Nature*. Much of the confusion that abounds on the subject is due to the unfounded assumption that the laws of nature are *either* morally obligatory God-given commands *or* self-interested and prudential dictates of right reason. For Hobbes, however, the two options were not antithetical. For an approach that elides this false dichotomy and thus captures Hobbes's position well see Stanton, 'Hobbes and Locke', pp. 70-73, and more generally Hoekstra, 'Hobbes on Law, Nature and Reason'.

<sup>29</sup> Rousseau, *State of War*, *CW*11:65/ *OC*3:602.

<sup>30</sup> Rousseau, *Geneva Manuscript*, *CW*4:79-81/ *OC*3:285-287.

his rules of conduct from this manner of reasoning?<sup>31</sup>

Rousseau considered that if the general will only amounted to an abstract precept of reason it would never be of any force. Men must see that being just, whilst in accordance with natural right, is equally in line with their own interests. The problem, as he famously put it in the opening lines of the *Social Contract*, was to reconcile ‘what right permits with what interest prescribes, so that justice and utility are not at variance.’<sup>32</sup> All that Diderot had provided was an account of right and not of interest. The way that Hobbes was read by his natural law critics, conversely, was as having only provided an account of interest and not of right which, so those critics maintained, had to be established on principles independent from those of self-preservation. The general will, when understood as a universal principle discernible by reason, would thus fail to overcome the problems posed by Hobbes’s state of nature theory. The circumstances whereby the necessity for political institutions arises are those in which the laws of nature are of insufficient force for peace to be secured without an appeal to man’s interest.

Although Rousseau reiterated that Hobbes’s mistake was to have ‘supposed this state natural to the species and [given] it as the cause of the vices of which it is the effect’,<sup>33</sup> the problem that is set out in the second chapter of the *Geneva Manuscript* is the one from which Hobbes’s political theory commenced. More than anywhere else in his *œuvre*, Rousseau appears to have accepted the problematic of Hobbes’s state of nature to a far greater extent than any of his contemporaries, at least since Pierre Bayle.<sup>34</sup> At the end of the chapter, Rousseau even proceeded to suggest how ‘to draw from the ill itself the remedy that should cure it’ in response to Diderot’s violent interlocutor, or Hobbes:

Let our violent speaker himself judge its success. Let us show him in perfected art the reparation of the ills that the beginning of art caused to nature. Let us show him all the misery of the state he believed happy, all the falseness in the reasoning he believed solid. Let him see the value of good actions, the punishment of bad ones, and the loveable harmony of justice and happiness in a better constituted order of things.<sup>35</sup>

This passage is of less remark for what it proposes than for the fact that it is set out against the Hobbesian interlocutor. Rousseau indicated that any account of the social order should be justified with respect to Hobbes’s independent man, hence why it was essential that justice and utility were not at variance. In the final version of the *Social Contract* it is less clear that the Hobbesian account of the state of nature is endorsed, as there is little indication of at what stage in man’s genealogy, as recounted in the *Second Discourse*, the social compact might be instigated. The most instructive passage is to be found at the beginning of Book I, Chapter VI:

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<sup>31</sup> Rousseau, *Geneva Manuscript*, CW4:80/ OC3:286-287.

<sup>32</sup> Rousseau, *Social Contract*, CW4:131/ OC3:351.

<sup>33</sup> Rousseau, *Geneva Manuscript*, CW4:81/ OC3:288.

<sup>34</sup> See Chapter One, ‘Hobbes before Rousseau’.

<sup>35</sup> Rousseau, *Geneva Manuscript*, CW4:82/ OC3:288.

I assume that men have reached the point where obstacles to their self-preservation in the state of nature prevail by their resistance over the forces each individual can use to maintain himself in that state.<sup>36</sup>

This is a toned down version of a corresponding passage in the *Geneva Manuscript*,<sup>37</sup> yet what is missing from the *Social Contract* is any depiction of just how miserable and Hobbesian the state of nature is at the point where the obstacles to men's self-preservation prevail. Even so, elsewhere in the *Social Contract* Rousseau appears to have endorsed aspects of the Hobbesian account, such as when he wrote that in the passage from the state of nature to the civil state man loses 'his natural freedom and an unlimited right to everything that tempts him and that he can get',<sup>38</sup> the very right that led to a state of war according to Hobbes.

It is well to note that the acceptance of the Hobbesian problematic does pose problems for the coherence of Rousseau's political thought. In the *Second Discourse* Rousseau presented the instigation of civil societies that followed from a state of war as a trick that the rich played on the poor. Therein Rousseau only had recourse to a Hobbesian moment for the very purpose of demonstrating the illegitimacy of social contracts justified against Hobbes's account of the state of nature. Rousseau certainly thought that the principles of natural right could not be derived from a Hobbesian state of nature as such a state was contrary to natural right; rather, they could only be derived from the golden age in man's genealogy where men lived in conformity with nature.<sup>39</sup> However, even though Rousseau maintained that the principles of political right must be in accordance with those of natural right, an adequate political theory must also show men their interest in being just by addressing the problems inherent in the Hobbesian state of nature and answering the Hobbesian interlocutor.<sup>40</sup>

It has recently been argued that the viability of the argument in the *Social Contract* depends on the starting point *not* being Hobbes's state of nature,<sup>41</sup> and there certainly seems to be some incongruity between the conditions from which the necessity for political institutions arises in the state of nature and the conditions obtaining amongst a people capable of receiving good laws and therewith political institutions.<sup>42</sup> Nonetheless, nowhere in the *Social Contract* was the Hobbesian problematic repudiated and, to the extent that the chapter from the *Geneva Manuscript* reflects Rousseau's starting point, his project was one of a fundamentally Hobbesian nature.

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<sup>36</sup> Rousseau, *Social Contract*, CW4:138/ OC3:360.

<sup>37</sup> Rousseau, *Geneva Manuscript*, CW4:82/ OC3:289.

<sup>38</sup> Rousseau, *Social Contract*, CW4:141/ OC3:364.

<sup>39</sup> See Chapter Two, 'Harmony, contradiction and the Hobbesian moment'.

<sup>40</sup> Rousseau thus encountered a variant of the problems faced by Hobbes's natural law critics such as Pufendorf, who had officially repudiated the Hobbesian state of nature as being contrary to natural right but then proceeded to provide a very Hobbesian account of the causes that induced men to establish civil society. See Chapter Two, 'The state of nature and the state of war'.

<sup>41</sup> Cohen, *Rousseau*, p. 90.

<sup>42</sup> Rousseau, *Social Contract*, CW4:162/ OC3:390-391, and see also the conditions requisite for civic virtue to flourish in a well-ordered republic discussed in Chapter Five, 'Rousseau and republican virtue'.



## Free will, slavery and obligation

Analysis of the *Geneva Manuscript* suggests that Rousseau was grappling with the same sort of problems that Hobbes's political thought was intended to overcome. However, in one respect at least, Rousseau's problems were far more challenging, for he was also committed to finding a political solution compatible with the importance he attached to man's free will. Hobbes, having ridiculed the idea of free will, did not encounter such a problem. For Hobbes, man was no more or less free depending on how his will had been formed; a covenant or contract entered into out of fear of violent death was therefore just as legitimate and valid as any other. Indeed Hobbes may plausibly be read as attempting to show that obligation to the sovereign is always owed because by receiving protection individuals consent and 'the mutuall Relation between Protection and Obedience' is thereby secured.<sup>43</sup> Even if Rousseau was unaware of the famous articulation of the relationship between protection and obedience in *Leviathan*, Hobbes employed the concept of implied consent in *De Cive* to much the same effect, claiming that the consent of citizens is implied 'when they accept the benefit of a person's power and laws for protection and preservation of themselves against others.'<sup>44</sup>

For Rousseau, however, only certain types of contract could ever be considered legitimate, a problem which he considered at the outset of the *Social Contract*. Book I is concerned with what could render the chains of society legitimate and Rousseau commenced by stating that although the social order is a sacred right, 'this right does not come from nature; it is therefore based on conventions.'<sup>45</sup> To prove this assertion Rousseau proceeded by first dismissing the contention that political society can be based on the family, an argument most readily associated with Robert Filmer that he had earlier ridiculed in his *Discourse on Political Economy*.<sup>46</sup> He then turned to counter the claim that there is a natural right of the strongest and that natural slavery can ground the social order. In arguing thus, Rousseau sought to conflate the positions of Grotius and Hobbes and associate the former with the insidious reputation of the latter.

Although Grotius is sometimes thought to have been one of the thinkers targeted in the *Second Discourse* there is little evidence in support of this view.<sup>47</sup> In the dedication Grotius is rather presented in exalted company as Rousseau reminisced about his boyhood days in Geneva,<sup>48</sup> and the earliest explicit criticism of Grotius is only found in the *Geneva Manuscript*.<sup>49</sup>

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<sup>43</sup> Hobbes, *Leviathan*, p. 491. Of course obligation is not owed when protection is not secured, most notably when the sovereign threatens one's life, although this is not the only instance in which the liberty of the subject remains, see *Leviathan*, pp. 150-154.

<sup>44</sup> Hobbes, *De Cive*, XIV.12, *Cam.*159/ *Par.*249.

<sup>45</sup> Rousseau, *Social Contract*, *CW*4:131/ *OC*3:352.

<sup>46</sup> Rousseau, *Social Contract*, *CW*4:132-133/ *OC*3:352-354; *Political Economy*, *CW*3:142/ *OC*3:244.

<sup>47</sup> C.f. Derathé, *Rousseau et la Science Politique*, p. 71; Tuck, *The Rights of War and Peace*, p. 200; Rosenblatt, *Rousseau and Geneva*, p. 89; Kapossy, *Iselin contra Rousseau*, p. 209; Williams, *Rousseau's Platonic Enlightenment*, p. 79.

<sup>48</sup> Rousseau, *Second Discourse*, *CW*3:8-9/ *OC*3:118.

<sup>49</sup> Rousseau, *Geneva Manuscript*, *CW*4:95/ *OC*3:305.

When defending his *Letter to d'Alembert* in 1758, in response to the charge of having failed to recall Grotius's sentiment, Rousseau even remarked that 'I could not recall what I have never known, and I probably never shall know what I do not concern myself at all with learning.'<sup>50</sup>

Even if Rousseau was ambivalent towards Grotius in the late 1750s, by 1762 he had opted to open the *Social Contract* with a forceful attack on Grotius's principles. It is likely that Rousseau was re-reading Grotius around this time (much as might be expected of someone working on a projected volume on *Political Institutions*) as he was familiar enough with the French edition to quote a letter from Grotius that Barbeyrac had cited in the preface to his translation.<sup>51</sup> There are at least three possible reasons why Rousseau might have chosen to oppose Grotius: one contextual, one personal and one philosophical. First, Grotius was an authority invoked by the Genevan patriciate, to whom Burlamaqui, in particular, deferred.<sup>52</sup> Second, Rousseau might have regretted once acclaiming Grotius alongside Tacitus and Plutarch and have been concerned to redress his earlier praise with vehement criticism. Finally, he considered Grotius's idea that some men are born for slavery to be just as untenable and objectionable as Aristotle's.<sup>53</sup>

Grotius is first criticised in the *Social Contract* for using the example of slavery to deny 'that all human power is established for the benefit of those who are governed'. The comment is drawn from the *Geneva Manuscript*, yet Rousseau extended the criticism to Grotius's whole method of establishing right by fact, claiming that there is no approach 'more favourable to Tyrants'.<sup>54</sup> In the corresponding section of the *Geneva Manuscript* Grotius is mentioned just once and there is no reference to Hobbes.<sup>55</sup> By contrast, in the *Social Contract*, Rousseau linked Grotius and Hobbes twice in a passage in which he claimed that they both adhered to the view that 'the human race belongs to a hundred men' and that men are not naturally equal.<sup>56</sup> That Rousseau should think Hobbes an advocate of natural inequality would be remarkable, especially given that he levelled no such charge against him in the *Second Discourse*. Rather it seems that Rousseau was attempting to implicate Grotius with the reputation that was usually reserved for Hobbes.

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<sup>50</sup> Rousseau, *Response to the Anonymous Letter Written by Members of the Legal Profession*, CW10:379/CC5:179.

<sup>51</sup> See Barbeyrac, 'Préface du Traducteur' [1724], pp. xxxi-xxxii; Rousseau, *Social Contract*, CW4:219/OC3:463. Elsewhere Rousseau referred the reader specifically to chapters III and IV of the first book of *The Rights of War and Peace*, which he intended to refute, mentioning Grotius alongside 'his translator Barbeyrac', *Social Contract*, CW4:146/OC3:370.

<sup>52</sup> Part IV of Burlamaqui's *Principles of Political Law* adopted many of Grotius's central principles concerning war and the rights of states in the international order.

<sup>53</sup> Rousseau, *Social Contract*, CW4:133/OC3:353. To be precise Grotius held that there 'is no Man by Nature Slave to another... but it is not repugnant to natural Justice that Men should become Slaves', *The Rights of War and Peace*, iii.vii.i.1360. However, Rousseau may well have had in mind Grotius's earlier discussion of slavery, in which he quoted Aristotle as an authority: 'Besides, as Aristotle said, some Men are naturally Slaves, that is, turned for Slavery.' *The Rights of War and Peace*, i.iii.viii.264.

<sup>54</sup> Rousseau, *Social Contract*, CW4:132/OC3:352-353. C.f. Grotius, *The Rights of War and Peace*, i.iii.viii.272-273.

<sup>55</sup> Rousseau, *Geneva Manuscript*, CW4:88-95/OC3:297-305.

<sup>56</sup> Rousseau, *Social Contract*, CW4:132-133/OC3:352-354.

The reason for considering Rousseau's remarks on Grotius, then, is that it was in this context that Hobbes was first mentioned in the *Social Contract*. To some extent Rousseau's invocation of Hobbes was polemical. Much as he had shown that Pufendorf was no better than Hobbes in the *Second Discourse*, in the *Social Contract* 'Grotius and others' were brought down to Hobbes's level.<sup>57</sup> Yet the criticisms of Hobbes served more than a polemical purpose, and it is well to notice that they precede Rousseau's first extended discussion of the alleged right of the strongest and of slavery. In the chapter on slavery, Rousseau brought his account of the state of nature to bear on the arguments that he associated with Grotius and Hobbes. The origin of the alleged right to slavery was derived from the rights that individuals have with respect to others in a state of war, but, as demonstrated in the *Second Discourse* and the *State of War*, man's natural state was not one of war, thus this right could not be derived from nature.<sup>58</sup>

Underlying Rousseau's refutation of slavery, however, was a more compelling argument against the right of the strongest, which states that 'force produces no right'.<sup>59</sup> Rousseau justified this argument by insisting on the difference between moral and physical power, averring that 'Force is a physical power. I do not see what morality can result from its effects. Yielding to force is an act of necessity, not of will.'<sup>60</sup> In the *Second Discourse* Rousseau introduced free will in order to draw a distinction between the physical and moral side of man, and this distinction is central to the argument of the *Social Contract*. Free will rendered man a moral being and thus it could never legitimately be renounced, much as he indicated when echoing his criticism of illegitimate contracts from the *Discourse*:

To renounce one's freedom is to renounce one's status as a man, the rights of humanity and even its duties. There is no possible compensation for anyone who renounces everything. Such a renunciation is incompatible with the nature of man, and taking away all his freedom of will is taking away all morality from his actions.<sup>61</sup>

Throughout the *Social Contract*, and indeed throughout his *œuvre*, Rousseau insisted on the importance of free will as an inalienable gift of nature, necessary to make sense of man as a moral being in contradistinction to a purely physical being.<sup>62</sup> This is of the utmost importance when considering Rousseau's response to Hobbes, as his criticisms rely on, and would make no

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<sup>57</sup> Rousseau, *Social Contract*, CW4:135/ OC3:356. The others that Rousseau was referring to were probably the natural law theorists that the Genevan patriciate used to justify their arguments: Pufendorf, Barbeyrac and Burlamaqui.

<sup>58</sup> Rousseau, *Social Contract*, CW4:135-136/ OC3:356-357. See also Chapter Two, 'The state of nature and the state of war'.

<sup>59</sup> Rousseau, *Social Contract*, CW4:134/ OC3:354.

<sup>60</sup> Rousseau, *Social Contract*, CW4:133/ OC3:354.

<sup>61</sup> Rousseau, *Social Contract*, CW4:135/ OC3:356.

<sup>62</sup> Rousseau, *Social Contract*, CW4:166/ OC3:395. More generally see the *Second Discourse*, CW3:25-26, 58-59/ OC3:141-142, 183-184; *Political Economy*, CW3:145/ OC3:248; *Geneva Manuscript*, CW4:94/ OC3:304; *Julie*, CW6:561-562/ OC2:683-684; *Letter to Franquières*, CW8:261-269/ OC4:1135-1145; *Letter to Beaumont*, CW9:28, 43, 75/ OC4:936, 955, 996; *History of the Government of Geneva*, CW9:120/ OC5:519; *Emile*, CW13:441-442/ OC4:586-587; 'Rousseau au ministre Jacob Vernes, le 18 février 1758', CC5:33; 'Rousseau à l'abbé de Carondelet, le 4 mars 1764', CC19:199.

sense without, his commitment to dualism and belief in free will. The distinction between man's physical and moral side was first drawn in the *Second Discourse*, and in doing so Rousseau followed a prominent criticism of Hobbes in the natural law tradition.<sup>63</sup> What is more, the idea that Hobbes's accounts of obligation and sovereignty were inimical to man's freedom also recurred within the natural law tradition, and there is good reason to situate Rousseau's distinction between moral and physical force in this context.

Perhaps the most strikingly similar criticism of Hobbes is to be found in the second volume of Martin Hübner's compendium of modern natural law, which followed the form of Barbeyrac's 'Historical and Critical Account of the Science of Morality', and was published only four years prior to the *Social Contract*. Hübner insisted that Hobbes's *de facto* theory of sovereignty only provided an account of constraint and not of obligation, 'being founded on power, which is a physical quality, but not in the least on Right, that being a moral quality.'<sup>64</sup> There is no conclusive evidence as to whether or not Rousseau was familiar with Hübner's work, and the point is more to indicate how prevalent the criticism of Hobbes was rather than to suggest direct influence. The line of criticism, however, goes back at least as far as Pufendorf and was prominent amongst thinkers with whom Rousseau was familiar.

Pufendorf had set out his account of free will in direct opposition to Hobbes. Similarly, when he turned to consider political obligation, Pufendorf's starting point was to refute the argument of *De Cive*. Pufendorf insisted on the difference between compulsion and obligation, as although they both represent some object of fear, compulsion only affects the will with an external force, whereas obligation has a moral force.<sup>65</sup> In remarking thus, Pufendorf implied that Hobbes did not really have an account of obligation at all, but only one of coercion. Pufendorf even insisted that 'he alone is capable of Obligation, who can have Knowledge of a Rule prescrib'd him, and hath a Will intrinsically free'.<sup>66</sup> Man's free will, then, was not only a natural capacity that should be admitted, but the very capacity that could make sense of the concept of obligation in contradistinction to coercion.

Where Hobbes had argued that the irresistible power of another was sufficient for obligation,<sup>67</sup> Pufendorf maintained that power must be combined with reasons and that obligation generates 'a Fear mix'd with Reverence'.<sup>68</sup> Against Hobbes, Pufendorf argued that obligation derived from force alone would be fleeting and insecure:

Strength indeed, may of it self so far bend me contrary to my Inclinations, as to make me choose rather, for a while, to obey another's Will, than to venture the Experience of his

<sup>63</sup> See Chapter Two, 'Free will and man's moral nature'.

<sup>64</sup> 'la contrainte étant fondée sur le pouvoir, qui est une qualité physique, mais nullement sur un Droit, qui étant une qualité morale,' Hübner, *Essai sur l'histoire du droit naturel*, p. 191. The second volume of Hübner's *Essai* was published in 1758 (the first volume in 1757), most likely in Paris, despite the imprint saying London.

<sup>65</sup> Pufendorf, *Law of Nature and Nations*, i.vi.v.61.

<sup>66</sup> Pufendorf, *Law of Nature and Nations*, i.vi.vii.63.

<sup>67</sup> For Hobbes, however, this only supplied a justification for God's (and not the sovereign's) right to rule, *De Cive*, XV.7, *Cam.*174-175/ *Par.*264.

<sup>68</sup> Pufendorf, *Law of Nature and Nations*, i.vi.x.63-65.

Force: But this Inducement ceaseth, when once the Fear is over, and I shall then have no Reason why I should not act rather according to my own Pleasure, than according to *his*. And where a Man can bring no other Argument for my Compliance to his Orders, but Force and Violence, nothing hinders, but that if I judge it expedient for my Affairs, I may try all Means to repel the Violence, and to assert and vindicate my own Liberty.<sup>69</sup>

This argument served to entrench the *de facto* reading of Hobbes's theory of obligation amongst thinkers influenced by Pufendorf. Barbeyrac added a note summarising Pufendorf's argument to his French edition of Grotius's *The Rights of War and Peace*,<sup>70</sup> and Burlamaqui claimed, explicitly against Hobbes, that force generates neither reason nor motive sufficient to oblige the will and that in such a case one would only be constrained without obligation and would fight off the oppressive yoke when the opportunity arises.<sup>71</sup> In his *Encyclopédie* article 'Citizen', Diderot similarly noted that by dissolving the distinction between subject and citizen Hobbes had equally dissolved the distinction between moral and physical force, which Diderot reaffirmed: '*Citizens and subjects are equally under command, but one by a moral, the other by a physical, force.*'<sup>72</sup>

Read in this context, Rousseau's chapter 'On the Right of the Strongest' adds little to the prevalent refutations of Hobbes amongst his critics following Pufendorf. Yet this is not the only reason why it is important to keep the context in mind, as even though the natural law theorists had insisted on free will against Hobbes, Rousseau deemed their alternative accounts of obligation and sovereignty equally opposed to man's freedom. It is well to consider these accounts briefly as, along with Hobbes's, they supply much of the context for Rousseau's own discussion of sovereignty.

Pufendorf developed his theory of the generation of sovereignty in direct opposition to Hobbes, claiming that a sovereign is instigated by two pacts and a decree. The first pact joins a people together or else they would remain in their natural liberty. The decree takes the form of a vote (the majority vote prevailing) in which the form of government is decided upon. Finally, a second pact is needed to constitute the person or persons on whom sovereignty is to be conferred, 'by which the Rulers, on one hand engage themselves to take care of the common Peace and Security, and the Subjects on the other hand to yield them faithful Obedience'. This, according to Pufendorf, was the most natural form of generating a commonwealth, although he also admitted that a monarchy could be constituted through a single pact only.<sup>73</sup>

For Pufendorf, obligation had to be presupposed in the people before it could be transferred to a sovereign.<sup>74</sup> Pufendorf thus sought to refute Hobbes's argument that the

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<sup>69</sup> Pufendorf, *Law of Nature and Nations*, i.vi.ix.63; *Duty of Man*, i.ii.v.45-46.

<sup>70</sup> Barbeyrac's note to Grotius, *The Rights of War and Peace*, iii.viii.i.1374-1375.

<sup>71</sup> Burlamaqui, *Principles of Natural Law*, i.ix.iv.94-95.

<sup>72</sup> Diderot, 'Citoyen', *PW*, p. 15.

<sup>73</sup> Pufendorf, *Law of Nature and Nations*, vii.ii.vii-viii.639-641; *Duty of Man*, ii.vi.vii-ix.195-196.

<sup>74</sup> On this point see Nutkiewicz, 'Obligation as the Basis of the State', p. 25.

dissolution of government amounted to the dissolution of society and, on the contrary, maintained that both the people and the sovereign have rights and duties.<sup>75</sup> However, the important element of Pufendorf's theory of sovereignty, as far as Rousseau was concerned, resided in the second pact. Significantly it was the second pact that was emphasised by the patriciate in the Genevan controversies of the 1750s, which sought to collapse the two contract model into a single contract of submission.<sup>76</sup> It was this second pact that rendered Pufendorf's account of sovereignty little more attractive than Hobbes's, for in each case what is given up in the contract is precisely that which according to Rousseau could never be alienated; that is, man's freedom.

Even though Pufendorf claimed that the people retained rights against the sovereign, he also stated that the sovereign was unaccountable and unconstrained by, or superior to, civil laws.<sup>77</sup> The consent of the people was not required for the instigation of civil laws,<sup>78</sup> and by submitting their wills to one man the people bind themselves not to resist so that the sovereign can compel anyone to abide by his commands.<sup>79</sup> Those who followed Pufendorf in the natural law tradition were no better by Rousseau's standards, with, for instance, Burlamaqui seemingly contradicting the emphasis that he had placed on free will being essential to man's nature when he claimed that sovereignty 'may therefore be acquired either by force and violence, or in a free and voluntary manner.'<sup>80</sup>

Pufendorf and his followers had criticised Hobbes for having man alienate his freedom, yet their developed accounts of sovereignty proved just as inimical to man's free will. Where in the *Second Discourse* Rousseau's critique of modern natural law had focused on Pufendorf, in the *Social Contract* the same theorists were targeted under the banner of 'Grotius and others'. In each case Rousseau sought to collapse the prevalent bifurcation between Hobbes and his critics in the natural law tradition, thereby revealing them to be no better than one another. When Rousseau turned to expound his own ideas on legitimate sovereignty, then, the problem was to find a form of association 'by means of which each one, uniting with all, nevertheless obeys only himself and *remains as free as before*'.<sup>81</sup> Hobbes and the natural law theorists were equally culpable not only for failing to propose such a solution but also for denying its very possibility, which is arguably why Rousseau deemed that in spite of Grotius and Hobbes the 'science of political right is yet to be born.'<sup>82</sup>

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<sup>75</sup> To be sure, Hobbes admitted that the sovereign has duties under natural law. There is just no correlative right that any individual holds against the sovereign.

<sup>76</sup> Rosenblatt, *Rousseau and Geneva*, p. 243.

<sup>77</sup> Pufendorf, *Law of Nature and Nations*, vii.vi.ii-iii.687-689; *Duty of Man*, ii.ix.iii.208-209.

<sup>78</sup> Pufendorf, *Law of Nature and Nations*, i.vi.xiii.69.

<sup>79</sup> Pufendorf, *Law of Nature and Nations*, vii.iii.i.654.

<sup>80</sup> Burlamaqui, *Principles of Political Law*, ii.iii.ii.349-350, iv.viii.i.511.

<sup>81</sup> Rousseau, *Social Contract*, CW4:138/ OC3:360 (emphasis added).

<sup>82</sup> Rousseau, *Emile*, CW13:649/ OC4:836. Rousseau's criticisms of Grotius and Hobbes in *Emile* lead into his own account of the principles of political right in which he summarised his arguments from the *Social Contract*.

## Sovereignty inverted

If the political problems Rousseau confronted were Hobbesian in nature, the manner in which he sought to resolve them was by radically inverting the Hobbesian solution. Only in this way could the modern discourse of sovereignty and contract, so often used to justify the submission of the people, be invoked to support classically republican conclusions where the law is placed above men and the people are free.<sup>83</sup> Rousseau first set out the details of the social contract that instigates the sovereign in Book I, Chapter IV of the *Social Contract*, where he reduced the clauses of the contract to one, 'namely the total alienation of each associate, with all his rights, to the whole community.'<sup>84</sup> It is worth considering this remark as Rousseau surpassed Hobbes by claiming that the associates retain no rights, not even that of self-preservation, through an extension of Hobbes's own argument.<sup>85</sup>

According to Hobbes, all men's opinions differ about what constitutes '*mine and yours, just and unjust...* and so on, and everyone decides them by his own judgement.' It is therefore imperative that all judgement in the commonwealth belongs to the sovereign power, for otherwise men would fall back into a state of war.<sup>86</sup> This idea was widely criticised by those, such as Barbeyrac, who sought to stress the importance of man's conscience over the will and judgement of the sovereign in determining what is or is not in accordance with natural law.<sup>87</sup> Such criticism, however, either missed or deliberately evaded Hobbes's point, as the very prevalence of individual judgments concerning what the laws of nature entailed was a cause of war and tended to the dissolution of the commonwealth. Against those who asserted the claims of conscience, Hobbes argued that conscience amounts to no more than judgment, appeals to which are equally likely to be mistaken and lead to sedition.<sup>88</sup> Rousseau, however, was one of the few who appreciated the problem with which Hobbes was concerned. Justifying the alienation of all rights, Rousseau explained that 'if some rights were left to private individuals, there would be no common superior who could judge between them and the public.'<sup>89</sup> He later clarified that the individual only alienates that which matters to the community, but, at the same

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<sup>83</sup> On the significance of Rousseau's inversion of sovereignty in the Genevan context see Miller, *Dreamer of Democracy*, pp. 118-121; Rosenblatt, *Rousseau and Geneva*, pp. 245-246.

<sup>84</sup> Rousseau, *Social Contract*, CW4:138/ OC3:360.

<sup>85</sup> For Hobbes, individuals do not abandon all their rights but only their right to all things, *De Cive*, II.3, Cam.34/ Par.103-104. However, even rights such as self-preservation, which cannot be given up, are not strictly speaking rights *against* the sovereign as the sovereign has no corresponding obligation towards the individual.

<sup>86</sup> Hobbes, *De Cive*, VI.9, Cam.79/ Par.152-153.

<sup>87</sup> Barbeyrac, 'Judgement of an Anonymous Writer', especially pp. 290-295; 'What Is Permitted by the Laws', pp. 314-315.

<sup>88</sup> Most explicitly in *Leviathan*, where Hobbes wrote of the seditious doctrine 'that *whatsoever a man does against his Conscience, is Sinne*; and it dependeth on the presumption of making himselfe judge of Good and Evill. For a mans Conscience, and his Judgement is the same thing; and as the Judgement, so also the Conscience may be erroneous', p. 223; c.f. *De Cive*, XII.1-2, Cam.131-133/ Par.214-217.

<sup>89</sup> Rousseau, *Social Contract*, CW4:138/ OC3:361. To be sure, it is only the rights and the judgement of the individual *qua* independent man that are given up. However, these are retained and generalised through the citizen's participation in the sovereign body.

time, that ‘the Sovereign alone is the judge of what matters.’<sup>90</sup> For Rousseau, as for Hobbes, it was essential that individuals could claim no rights against the sovereign as to do so would be self-defeating. To this extent the power of the sovereign was absolute, as there could be no legitimate challenge to his will and judgement. This has resulted in some of Rousseau’s more liberally inclined critics arguing that his conception of sovereignty was just as dangerous and wrongheaded as Hobbes’s,<sup>91</sup> yet such criticism elides the more significant differences between the two thinkers.

According to Rousseau, the authoritative judgment would be that of the general will, so that each associate ‘*puts his person and all his power in common under the supreme direction of the general will*’. Rousseau continued to detail how the contract forms the unity of the body politic or republic, which it is worth quoting at some length:

Instantly, in place of the private person of each contracting party, this act of association produces a moral and collective body, composed of as many members as there are voices in the assembly, which receives from its same act its unity, its common *self*, its life, and its will. This public person, formed by the union of all the others, formerly took the name *City*, and now takes that of *Republic* or *body politic*, which its members call *State* when it is passive, *Sovereign* when it is active, *Power* when comparing it to similar bodies. As for the associates, they collectively take the name *people*; and individually are called *Citizens* as participants in the sovereign authority, and *Subjects* as subject to the laws of the State.<sup>92</sup>

As some commentators have recognised, the language employed closely maps onto that used by Hobbes,<sup>93</sup> most notably in the double relation of citizen and subject that is unique to *De Cive*.<sup>94</sup> To be sure, Grotius had discussed the state in terms of its body, head and person,<sup>95</sup> yet the metaphor of the body politic was only fully developed by Hobbes, which was in turn adopted by Pufendorf and Rousseau.<sup>96</sup> The passage leads into Rousseau’s first discussion of the sovereign, which he returned to examine in more detail at the beginning of Book II.

Rousseau’s inversion of his predecessors’ accounts of sovereignty centred on two

<sup>90</sup> Rousseau, *Social Contract*, CW4:148/ OC3:373.

<sup>91</sup> Constant, *Principles of Politics Applicable to all Representative Governments* [1815], *Political Writings* (hereafter *PW*), pp. 178-179.

<sup>92</sup> Rousseau, *Social Contract*, CW4:139/ OC3:361-362.

<sup>93</sup> Davy, *Hobbes et Rousseau*, pp. 14-15; Tuck, ‘Democracy in Rousseau’, *Lectures*, pp. 12-13.

<sup>94</sup> Hobbes, *De Cive*, III.9-11, *Cam.*73-74/ *Par.*144-146.

<sup>95</sup> Grotius, *The Rights of War and Peace*, i.iii.vii.260.

<sup>96</sup> For comprehensive analysis of Rousseau’s use of the ‘body politic’ (*corps politique*) in its historical context see Bernardi, *La Fabrique des Concepts*, pp. 77-123. Another possible line of influence derives from Pascal’s discussion of a community full of thinking members, see Keohane, *Philosophy and the State in France*, pp. 279-282; Riley, *The General Will Before Rousseau*, pp. 17-19. However, the passages of Pascal quoted by Keohane and Riley do not describe the sovereign in terms of a moral and civil person as is found in thinkers like Hobbes, Pufendorf and Rousseau. The two lines of influence are not necessarily antithetical and in Rousseau’s earliest discussion of the sovereign he first adopted the metaphor of the body politic where different parts of the body serve different functions (resembling Pascal), before separately discussing the body politic in terms of it being a moral person (resembling Hobbes), *Political Economy*, CW3:142-143/ OC3:24244-245.



claims: that sovereignty is inalienable and that it is indivisible.<sup>97</sup> Rousseau first argued ‘that sovereignty, being only the exercise of the general will, can never be alienated’. The sovereign can only be represented by itself because although power can be transferred the same is not true of will.<sup>98</sup> To appreciate why Rousseau thought that sovereignty was inalienable, then, his understanding of the will has to be considered. To recall, Rousseau insisted that man’s free will is an inalienable gift of nature which must be respected to render any body politic legitimate; something that both Hobbes and his natural law critics had failed to achieve in their accounts of sovereignty.

According to Rousseau, the alienation of both sovereignty and freedom occur at the same point and in the same act; the act whereby sovereignty is conferred from the people to a superior. Burlamaqui, most explicitly, had argued that although sovereignty resides originally in the people every individual can transfer this sovereignty to another.<sup>99</sup> Rousseau denied that there could be any such contract, like Pufendorf’s second pact, where sovereignty is transferred to another individual or body of individuals; rather the only contract is that of civil association, ‘the act by which a people becomes a people.’<sup>100</sup> This argument rested on Rousseau’s claim that it is ‘absurd for the will to tie itself down for the future’,<sup>101</sup> as for the social pact to be legitimate it must constantly and freely be willed by all of the citizens.<sup>102</sup> For citizens to remain free they must always retain their will in the present, as to transfer their will to another for the future would be to alienate that will. In practice, the sovereign people’s constant willing may be presumed from it not revoking its will,<sup>103</sup> yet in theory all citizens remain free to retract their will, even if to do so would be to render themselves foreigners to the body politic.<sup>104</sup>

Rousseau’s position is well illustrated by way of comparison with Hobbes’s.<sup>105</sup> Hobbes argued that contracts or promises where rights are transferred ‘are signs of will, that is... signs of the last act of deliberation by which the liberty not to perform is lost; consequently they are obligatory’.<sup>106</sup> To will and then not to be obligated would be contradictory and unjust, and even in the revised theory of authorisation in *Leviathan* it was necessary that at the point of entering into the contract each individual irrevocably authorises all of the sovereign’s acts as thereafter

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<sup>97</sup> For extended discussion of Rousseau’s understanding of sovereignty in opposition to his predecessors see Derathé, *Rousseau et la Science Politique*, pp. 252-307.

<sup>98</sup> Rousseau, *Social Contract*, CW4:145, 192/ OC3:368, 429.

<sup>99</sup> Burlamaqui, *Principles of Political Law*, i.vi.xv.305.

<sup>100</sup> Rousseau, *Social Contract*, CW4:137/ OC3:359.

<sup>101</sup> Rousseau, *Social Contract*, CW4:145/ OC3:368-369.

<sup>102</sup> A point well brought out by Affeldt, who describes this in terms of continuous willing and contracting, ‘The Force of Freedom’, pp. 306-307.

<sup>103</sup> Rousseau, *Social Contract*, CW4:188-189/ OC3:424.

<sup>104</sup> Rousseau, *Social Contract*, CW4:197/ OC3:436. The exception is in cases where the reason for leaving the body politic would be to evade one’s duty, which would have been conferred upon the citizen by a law that they willed as a member of the sovereign.

<sup>105</sup> Indeed Tuck even argues the only essential difference between Hobbes’s and Rousseau’s conceptions of sovereignty concerned whether or not it was alienable, ‘Democracy in Rousseau’, *Lectures*, pp. 23-25. For a more general comparison see Cohen, *Rousseau*, pp. 62-68.

<sup>106</sup> Hobbes, *De Cive*, II.10, *Cam.36/ Par.106*.

representing his own will.<sup>107</sup> The argument was not unique to Hobbes, as the accounts of sovereignty proposed by all of Rousseau's predecessors in the natural law tradition relied on individuals willingly committing themselves for the future by instigating a superior as the sovereign power whose will then speaks for the body politic.<sup>108</sup> To reject this line of argument, at first glance, might seem to render all contracts impossible. However, all that Rousseau needed to deny was that *will* could legitimately be transferred, alienated, or represented by another through a contract; such being the nature of will in constituting man as a moral being. To do so would be to alienate to another the freedom to determine one's future will, by which one would be bound thereafter. Rousseau's argument only applied to contracts where will is transferred (as opposed to other goods transferable by contract), as in such cases one would be dependent on the will of another; the antithesis of freedom. The first way in which Rousseau inverted the conception of sovereignty was thus to insist that it always remained with the people; the general will being no more than a generalised form of man's inalienable gift of nature, his free will.

In Book II, Chapter II, Rousseau proceeded to argue that sovereignty is indivisible. This might not seem to be a particularly controversial argument as all the major theorists of sovereignty going back to Bodin had insisted on its indivisibility. Nonetheless, Rousseau claimed that 'our political thinkers, unable to divide the principle of sovereignty, divide it in its object.'<sup>109</sup> Grotius and Barbeyrac were the only thinkers mentioned in the chapter, and Rousseau might have had in mind Grotius's claim that although the sovereign power 'be but one, and of itself undivided', it can still be divided into '*subjective*' or '*potential*' parts.<sup>110</sup> Rousseau's objection had wider application, however, as it resonated against all those who had divided or mixed legislative and executive power under the sovereign, granting it the rights of making war and peace, taxation, and implementing law.<sup>111</sup>

Rousseau insisted that sovereignty needed to be brought back to its object, which only pertained to the making of general laws.<sup>112</sup> Indeed at the beginning of Book III he drew on the distinction between the moral and physical power necessary for any free action in order to establish the division between legislative and executive power.<sup>113</sup> Sovereignty, the moral power

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<sup>107</sup> Hobbes, *Leviathan*, p. 120.

<sup>108</sup> See the references above, 'Free will, slavery and obligation', to which may be added Grotius, *The Rights of War and Peace*, i.iii.viii.272, ii.iv.xiv.503.

<sup>109</sup> Rousseau, *Social Contract*, CW4:146/ OC3:369.

<sup>110</sup> Grotius, *The Rights of War and Peace*, i.iii.xvii.305-307.

<sup>111</sup> C.f. Grotius, *The Rights of War and Peace*, i.iii.vi.257-259; Hobbes, *De Cive*, VI.18, *Cam.*88/*Par.*163-164; Pufendorf, *Law of Nature and Nations*, vii.iv.xi.664-666; Burlamaqui, *Principles of Political Law*, i.viii.iii-v.323-324. On this point see also Silvestrini, who argues that Rousseau's principal target was Burlamaqui, 'Rousseau, Pufendorf and the natural law tradition', pp. 290-295.

<sup>112</sup> C.f. Bodin, who had identified making law as the distinctive mark of sovereignty, *On Sovereignty*, Book I, Chapter 10, pp. 51-52. However, for Bodin this included the other rights that Rousseau thought only applications of law such as making war and peace, I.10, pp. 58-59. Book and chapter numbers are to the complete edition of Bodin's *Six livres de la république* [1576]. For comparison of Bodin and Rousseau on sovereignty see Bernardi, *La Fabrique des Concepts*, pp. 201-207.

<sup>113</sup> Rousseau's argument here bears some resemblance to Locke, who derived the distinction between the legislative and executive powers from the two different powers that man had in the state of nature, *Two Treatises of Government* [1690], Book II, Sections 127-130, pp. 352-353. The *Second Treatise* was

in the state, pertained only to the legislative function of forming general laws, whereas government, the physical power in the state, pertained to the execution of those laws.<sup>114</sup> Sharing the sympathies of those theorists concerned with the dangers of tyrannical rule, Rousseau supported the division of powers. Yet with Hobbes, Rousseau maintained that holding rights against the sovereign is self-defeating. Rousseau's response to Hobbesian accounts of sovereignty was largely definitional. On Rousseau's definition, the sovereign was absolute in power although limited in the form of its actions. In this way Rousseau adopted the modern discourse of sovereignty and inverted it towards classically republican conclusions.

In the *Social Contract* Rousseau arrived at a number of conclusions that reveal his republican sympathies: placing the law above men, defining liberty in terms of being free from dependence on the will of other men, and claiming that the legislative right always remains with the citizens. At this stage it is well to notice that although Rousseau arrived at a political outcome much indebted to his admiration of classical republican thought, he did so by grappling with problems that were prominent in the modern natural law tradition and frequently set up in opposition to Hobbes; problems concerning sovereignty, the will and contract. It was Rousseau's engagement with this tradition that often supplied the justifications for his republican conclusions. Moreover, to use prominent debates in modern natural law theory to elucidate the nature of a legitimate republic was an approach well suited for addressing contemporary political controversies in Geneva.<sup>115</sup> Rather than viewing republican and natural law theories as two opposed traditions on which Rousseau sought to draw, then, it is best to consider how he attempted to use them in a complementary manner to support his justification of the ideal body politic.<sup>116</sup>

The foregoing analysis has focused on the context for understanding Rousseau's conception of sovereignty and the reasons why he thought his predecessors had alienated man's freedom. To explicate how Rousseau thought freedom could be preserved, however, a more analytical approach to the *Social Contract* must be pursued. In doing so Rousseau's response to Hobbes is left in the background, yet given the importance of free will in distinguishing the two thinkers it is well to see how this all important concept plays out in the *Social Contract*.

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translated as *Du Gouvernement Civil* in 1691 and Rousseau was certainly familiar with the translation as he quoted extensively from it in a note to the *Second Discourse*, *CW3*:87-90/ *OC3*:214-218. Indeed Rousseau may well have been referring to the distinction between legislative and executive powers when he wrote that Locke treated matters of political right with exactly 'the same principles as I did.' *Letters from the Mountain*, *CW9*:236/ *OC3*:812.

<sup>114</sup> Rousseau, *Social Contract*, *CW4*:166/ *OC3*:395.

<sup>115</sup> The importance of this context is brought out in the second part of Rousseau's *Letters from the Mountain*. On this point see also Silvestrini, 'Rousseau, Pufendorf and the natural law tradition', pp. 295-296.

<sup>116</sup> See Viroli, 'The concept of *ordre*'; Hope Mason, 'Individuals in Society', pp. 103-107. The implications for Rousseau's republicanism are explored further in Chapter Five, 'Rousseau and republican liberty'.

## Freedom preserved

Central to Rousseau's understanding of sovereignty is the role of the general will, which is the most controversial and contested concept in his corpus. A number of objections could be raised in light of the preceding discussion that merit attention, of which the most arresting is that of showing exactly how the general will is in accordance with man's free will. This problem is particularly acute given the tension between Rousseau's claim that individuals entering the social contract alienate all their rights and his insistence in both the *Second Discourse* and his discussion of slavery that man's life and freedom are inalienable gifts of nature. When considering the problems associated with the general will it is well to keep in mind that throughout the *Social Contract* Rousseau examined both the nature of the general will (i.e. what the general will is) and the conditions under which it would most likely be realised. Unfortunately Rousseau never made explicit when he was addressing each of these problems, and a failure to keep them distinct in analysis of the work often leads to confusion.<sup>117</sup>

To consider why Rousseau thought that the general will was in accordance with man's free will its nature must be examined. The first point to stress is that each citizen possesses the general will *qua* citizen, that is, all citizens do in fact will the general will.<sup>118</sup> They may also have conflicting particular wills yet these do not negate their general will; rather, as will be seen, this conflict poses a problem that needs to be overcome. For Rousseau, citizens could be free under the general will because it is actually their own will, thus he averred that 'they do not obey anyone, but solely their own will'.<sup>119</sup> This idea might initially sound odd, not least because the very notion of a general will seems inherently oxymoronic.<sup>120</sup> However, the objective content of the general will, at least, makes more sense when thought out in terms of a general or common interest, which could potentially conflict with individual interests.<sup>121</sup> This reading of the general will is justified since Rousseau frequently discussed its content in terms of interests and claimed that the general will 'considers only the common interest'.<sup>122</sup>

The general will, then, is the rule of the body politic – or the will of the sovereign – that articulates the common interest that any group of people uniting together possess, and must possess, in order to form a society. Where there is no common interest there can be neither society nor general will. More needs to be said, however, to show why Rousseau thought that

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<sup>117</sup> Typical here is Charvet's criticisms of the general will, which to a large extent depend upon conflating the problem of its legitimacy with the problems of its realisation and implementation, *The Social Problem in Rousseau*, pp. 126-128.

<sup>118</sup> Rousseau, *Social Contract*, CW4:140-141/ OC3:363.

<sup>119</sup> Rousseau, *Social Contract*, CW4:150/ OC3:375.

<sup>120</sup> Riley, *Will and Political Legitimacy*, p. 112.

<sup>121</sup> See the seminal interpretation by Barry, 'The Public Interest', pp. 119-123. Even if the objective content of the general will may be understood in terms of the common interest, for Rousseau it was also imperative that citizens subjectively willed the general will as their own, a point which will be returned to shortly.

<sup>122</sup> Rousseau, *Social Contract*, CW4:147/ OC3:371; see also CW4:145, 149, 198/ OC3:369, 374, 437.

the general will preserved man's freedom. At this stage it is worth turning to *Emile*,<sup>123</sup> where Rousseau supplied his clearest explanation of the relationship between freedom and dependence in a passage that deserves to be quoted at length:

These considerations are important and serve to resolve all the contradictions of the social system. There are two sorts of dependence: dependence on things, which is from nature; dependence on men, which is from society. Dependence on things, since it has no morality, is in no way detrimental to freedom and engenders no vices. Dependence on men, since it is without order, engenders all the vices, and by it, master and slave are mutually corrupted. If there is any means of remedying this ill in society, it is to substitute law for man and to arm the general wills with a real strength superior to the action of every particular will. If the laws of nations could, like those of nature, have an inflexibility that no human force could ever conquer, dependence on men would then become dependence on things again; in the Republic all of the advantages of the natural state would be united with those of the civil state, and freedom which keeps man exempt from vices would be joined to morality which raises him to virtue.<sup>124</sup>

For Rousseau, acts of sovereignty were only those of passing general laws. The general will would therefore provide the guiding rule for general laws and thus only pertained to general objects. To be dependent on the law alone would be in accordance with freedom as it is only dependence on the will of other men that is opposed to freedom. There are two interrelated aspects to Rousseau's argument here. The first is simply that dependence on the law is not dependence on the will of another man; the sovereignty of law, rather than man, being compatible with freedom. The second aspect is that the reason that law (when in accordance with the general will) is compatible with freedom is that it emanates from the will that each individual has as a citizen and, famously, 'obedience to the law one has prescribed for oneself is freedom.'<sup>125</sup>

Rousseau insisted that 'the general will is always right', that is, by its nature it is always what it should be.<sup>126</sup> As each citizen always wills what is in the common interest of the body politic (even if he has other conflicting wills) the general will is always his own. However, the general will may not always be realised and Rousseau was equally concerned to delineate the conditions under which its realisation would be most likely; it is to this problem that analysis

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<sup>123</sup> An approach that is justified by Rousseau's claim in a letter to his French publisher that the *Social Contract* 'should be taken for a type of appendix [to *Emile*], and that both together make a complete whole' ('doit passer pour une espèce d'appendice, et que les deux ensemble font un tout complet'), 'Rousseau à Nicolas-Bonaventure Duchesne, le 23 mai 1762', CC10:281.

<sup>124</sup> Rousseau, *Emile*, CW13:216-217/ OC4:311. Indeed many of Rousseau's clearest statements of the relationship between law and freedom are not actually to be found in the *Social Contract*, for example: 'Liberty consists less in doing one's will than in not being subject to someone else's; it is also consists in not subjecting someone's will to ours... A free people obeys, but it does not serve; it has leaders and not masters; it obeys the Laws, but it obeys only the Laws and it is from the force of the Laws that it does not obey men.' *Letters from the Mountain*, CW9:260-261/ OC3:841-842. See also *Political Fragments*, CW4:23, 28/ OC3:484, 492.

<sup>125</sup> Rousseau, *Social Contract*, CW4:142/ OC3:365.

<sup>126</sup> Rousseau, *Social Contract*, CW4:147, 154, 199/ OC3:371, 380, 438.

now turns. Without examining all of these conditions, it is worth briefly considering majority voting, since it might otherwise appear opposed to man's freedom.

For Rousseau, laws could only be passed when put to the vote of the sovereign body freely assembled. Each citizen would vote on whether or not he thinks that the law conforms to the general will and Rousseau recommended that the majority vote should determine the outcome. Yet even the citizen who is in the minority, according to Rousseau, still 'consents to all the laws, even to those passed in spite of him, and even to those that punish him when he dares violate them.'<sup>127</sup> This might appear to suggest that the general will does not emanate from each citizen's will, yet for Rousseau this was not the case. Each citizen consents because each citizen constantly wills that the content of the general will be determined by majority voting, for the 'law of majority rule is itself an established convention, and presupposed unanimity at least once.'<sup>128</sup> When in the minority, citizens are only free because they will that majority voting should determine the content of the general will. In addition they are free to revoke this will and leave the body politic at any time, and only under such conditions could citizens ever be free while partaking in the duties required of democratic sovereignty.

When the opinion that prevails from the vote is contrary to that of any individual citizen, the citizen is then supposed to realise that he was simply mistaken regarding what he took to be the content of the general will. It is essential, however, that even the citizen who is in the minority comes to realise that the general will is his own will. This is sometimes denied and it has even been argued that, for Rousseau, there is 'a sense in which the general will's being the will of each individual does not depend upon the individual's recognition of it as such'.<sup>129</sup> For Rousseau, however, both the objective content of the general will (the common interest) and the subjective recognition of the general will as one's own will were necessary for the general will to be in accordance with man's free will. The proof of man's free will was only ever the inner sentiment that an individual feels when acquiescing or resisting. Moreover, the consciousness of being free – and thus the general will being recognised as one's own will – was all important, since 'it is in the consciousness of this freedom that the spirituality of [man's] soul is shown'.<sup>130</sup> Elsewhere Rousseau similarly affirmed that citizens are only free when obeying laws that 'have the internal assent of their will'.<sup>131</sup>

For Rousseau, then, it was imperative that the citizens actually willed the general will. This is not only because at least a majority of them would have to do so for the general will to

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<sup>127</sup> Rousseau, *Social Contract*, CW4:200-201/ OC3:440-441. It is in this passage that Rousseau came closest to reducing the general will to the will of the majority, irrespective of whether or not this actually tracks the common interest, and on this basis it has recently been argued that the outcome of majority voting is constitutive of the general will, see Wyckoff, 'Rousseau's General Will', pp. 53-59. However, Rousseau's claim is soon qualified: 'This presupposes, it is true, that all the characteristics of the general will are still in the majority.' The general will, therefore, always remains right, independently of whether or not it is realised by the sovereign body through majority voting.

<sup>128</sup> Rousseau, *Social Contract*, CW4:138/ OC3:359.

<sup>129</sup> Neuhouser, 'Freedom, Dependence and the General Will', p. 370.

<sup>130</sup> Rousseau, *Second Discourse*, CW3:26/ OC3:142, see also *Emile*, CW13:455-458/ OC4:603-605.

<sup>131</sup> Rousseau, *Considerations on Poland*, CW11:175/ OC3:961.

prevail from the voting process, but also because Rousseau's understanding of freedom involved the citizens' conscious recognition of the general will as their own. This leads to another problem with which Rousseau was faced, concerning the potential opposition between private and general wills. The problem is well captured by John Charvet's comment that Rousseau's solution in the *Social Contract* is vacuous 'to the extent that it cannot take into account the actual particularity of men's ends.'<sup>132</sup> There are at least two possible ways that this criticism could be met. One is by showing that the opposition between private and general wills need not be transcended. On this reading a healthy body politic is quite consistent with the actual particularity of men's ends, thus Rousseau offered insights that might have application for modern pluralistic societies (henceforth this is referred to as the pluralistic reading). The other response would be to suggest that the actual particularity of men's ends is a problem that Rousseau aimed to overcome through a process of will-formation, hence he was concerned with 'complete civic unity – about willing *only* the common good, and about a *complete renunciation* of particular desires'.<sup>133</sup>

The reading of Rousseau advanced here rests somewhere between these two extremes. For present purposes it will suffice to show that Rousseau was more concerned by the opposition between the private will and general will than is contended by those who advance the pluralistic reading. The intention at this stage is simply to establish the nature and bearing of this problem. The extent to which Rousseau required a process of will-formation to achieve civic unity and the implications that this has for his understanding of freedom are only fully explored in the following chapter.

One of the strongest defenders of the thesis that there is a necessary and healthy opposition between the general and particular wills has been Robert Wokler, according to whom the 'general will could only be realised through opposition to the particular wills of each of its members, so that the constant tension... proved indispensable to the achievement of the common good.' Moreover, this 'opposition was present in the minds of all citizens... dividing his judgement of what was beneficial to himself from what was right for the community.'<sup>134</sup> Taking the references that Wokler supplies, along with the evidence adduced in Joshua Cohen's recent discussion of the problem, there are three passages from the *Social Contract* that might appear to support the pluralistic reading.

One of these may be passed over briefly as it has previously been examined. Rousseau claimed that the 'life and freedom' of the private persons who compose the body politic 'are naturally independent of it.' Each citizen, therefore, only alienates 'that part of his power, goods,

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<sup>132</sup> Charvet, *The Social Problem in Rousseau*, p. 143.

<sup>133</sup> The quote is from Cohen, *Rousseau*, p. 35 (more generally see pp. 34-40), a reading of Rousseau that he attributes to Bloom, Cassirer and Durkheim. Cohen advances his own views against these theorists and sets forth the general dichotomy that has been adopted here.

<sup>134</sup> Wokler, 'Rousseau on the fanciful liberties we have lost', p. 196. Other notable scholars who stress the prevalence of private interests in the *Social Contract* include Shklar, *Men and Citizens*, p. 94; Keohane, *Philosophy and the State in France*, pp. 445-446; Viroli, *Rousseau and the 'well-ordered society'*, pp.127-132.

and freedom whose use matters to the community’, although the sovereign determines what matters.<sup>135</sup> In this sense the citizen remains free to do what he desires in the silence of the law, to borrow Hobbes’s phrase, yet nowhere in the chapter does Rousseau indicate that the sovereign should allow citizens to pursue private interests that might be opposed to the common interest. The passage thus fails to shed much light on the problem of the conflict between particular and general wills.

The second piece of evidence in support of the pluralistic reading is drawn from Book I, Chapter VII, and the passage needs to be quoted in full:

Indeed, each individual can, as a man, have a private will contrary to or differing from the general will he has as a Citizen. His private interest can speak to him quite differently from the common interest. His absolute and naturally independent existence can bring him to view what he owes the common cause as a free contribution, the loss of which will harm others less than its payment burdens him. And considering the moral person of the State as a being produced by reason because it is not a man, he might wish to enjoy the rights of the citizen without wanting to fulfil the duties of the subject, an injustice whose spread would cause the ruin of the body politic.<sup>136</sup>

Attention is often focused on the first sentence from this passage, which appears to support the pluralistic reading, as Rousseau certainly admitted that individuals can have conflicting private and general wills. On closer inspection, however, the sentence seems to be purely definitional; Rousseau was simply outlining the different perspectives from which an individual could view the sovereign body: the individual *qua* man and the individual *qua* citizen. When the passage is read in full it is clear that it is the prevalence of private interest over the common interest, or the perspective of the man over the citizen, that leads to injustice and the ruin of the body politic. This opposition is in no way healthy for the body politic and it is well to note that elsewhere, in an unpublished fragment on the public happiness, Rousseau claimed that this very contradiction between man and citizen is the cause of human misery.<sup>137</sup>

The final piece of evidence is drawn from a footnote in which Rousseau quoted the Marquis d’Argenson to the effect that the ‘*agreement of two private interests is formed in opposition of a third.*’<sup>138</sup> It is worth mentioning that for d’Argenson the opposition of different interests was a problem that had to be overcome, thus the passage from which Rousseau quoted concludes that ‘it is this [opposition] which renders general Laws so difficult to compose well.’<sup>139</sup> Rousseau’s problem is the same as that which occupied d’Argenson. The title of the

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<sup>135</sup> Rousseau, *Social Contract*, CW4:148/ OC3:373.

<sup>136</sup> Rousseau, *Social Contract*, CW4:140-141/ OC3:363.

<sup>137</sup> Rousseau, *Political Fragments*, CW4:41/ OC3:510.

<sup>138</sup> Rousseau, *Social Contract*, CW4:147/ OC3:371.

<sup>139</sup> ‘C’est ce qui rends les Loix générales si difficiles à bien composer.’ Argenson, *Considérations*, pp. 27-28. Rousseau owned a manuscript version of the *Considérations* that he quoted throughout the *Social Contract*. It was likely this acclaim that led Rousseau’s publisher, Michel Rey, to first publish d’Argenson’s work in 1764.



chapter in which the footnote was inserted is ‘Whether the General Will Can Err’. Rousseau insisted that by its nature it cannot, yet was concerned that the people may fail to realise the general will by bringing it into being as law. When read in this context it appears that the opposition of the common interest to that of each individual proved an obstacle that must be overcome. Indeed the passage is profitably read in conjunction with the beginning of Book II, where Rousseau wrote that ‘if the opposition of private interests made the establishment of societies necessary, it is the agreement of these same interests that made it possible.’<sup>140</sup> As it is the opposition of private interests that posed the problem for which the general will was the solution, one would expect that these conflicting private interests could not be ordered into the body politic. In a footnote to the passage on freedom and dependence quoted earlier from *Emile*, Rousseau stated as much: ‘In my *Principles of Political Right* it is demonstrated that no particular will can be ordered in the social system.’<sup>141</sup>

Elsewhere in the *Social Contract* Rousseau frequently made it clear that the conflict between private and general wills would have to be overcome as otherwise it would lead to the ruin of the body politic. Rousseau maintained that the ‘better constituted the State, the more public affairs dominate private ones in the mind of the Citizens’,<sup>142</sup> that repressive force should increase to the extent that the relationship between private wills and the general will diminishes,<sup>143</sup> and that the state begins to weaken as soon as ‘the general will is no longer the will of all.’<sup>144</sup> This last remark is of great significance given that the will of all is nothing but the sum of private wills and that when this differs from the general will Rousseau thought that the state was on its way to ruin. Although by definition the will of all and general will differ, then, the longevity of the state depends on their being brought into lasting agreement.

Cohen argues that, for Rousseau, the general will should be the citizen’s dominant will but it need not be their only will.<sup>145</sup> This interpretation is certainly plausible, but only if it is further stressed that the content of the citizen’s private will cannot be in contradiction with that of the general will; the citizen may, therefore, have a private will *independent* of the general will providing that their private will is not in *opposition* to the general will. In an unpublished fragment on the social compact Rousseau even wrote that ‘Wickedness is basically only the opposition of the private will to the public will’.<sup>146</sup> Rousseau thought that the opposition between private wills and the general will needed to be transcended, yet this does not necessitate a complete renunciation of all private desires, even if Rousseau occasionally indicated that it might. Private desires and wills would only destroy the order of the state to the extent that they contradicted the general will and it is only this contradiction that would have to be alleviated for

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<sup>140</sup> Rousseau, *Social Contract*, CW4:145/ OC3:369.

<sup>141</sup> Rousseau, *Emile*, CW13:216/ OC4:311.

<sup>142</sup> Rousseau, *Social Contract*, CW4:192/ OC3:429.

<sup>143</sup> Rousseau, *Social Contract*, CW4:168/ OC3:397.

<sup>144</sup> Rousseau, *Social Contract*, CW4:198/ OC3:438.

<sup>145</sup> Cohen, *Rousseau*, p. 37.

<sup>146</sup> Rousseau, *Political Fragments*, CW4:23/ OC3:483.

any body politic to maintain itself.

Analysis of the *Social Contract* alone, then, suggests that Rousseau thought that the opposition between private and general wills needed to be overcome. This is not just because the opposition posed a threat to the stability of the state, but also because it would be necessary if the unity and order associated with nature and man's happiness were to be restored. Indeed the reading advanced here coheres well with the discussion of nature as a normative standard outlined previously.<sup>147</sup> For man in the social state ever to enjoy living a harmonious and ordered existence in accordance with nature, it is imperative that he does not suffer from any contradiction between his private and general wills.

Rousseau did not, however, offer a full solution to this problem in the *Social Contract*. In the *Geneva Manuscript* he distinguished between the 'idea of the civil state' and 'the science of the Legislator', claiming only to be addressing the former,<sup>148</sup> and similarly in the *Social Contract* he was primarily concerned with the principles of political right. For the most part, Rousseau claimed only to be dealing with political and constitutional law and not the morals of the people,<sup>149</sup> yet to ascertain a complete understanding of his political thought both aspects have to be examined, for those 'who want to treat politics and morals separately will never understand anything of either of the two.'<sup>150</sup> The cultivation of morals and civic virtue involved orientating citizens' passions towards love of fatherland, the possibility of which was only fully explored elsewhere in Rousseau's political writings.

Ultimately for man to be free, given Rousseau's understanding of freedom, he would have to constantly and consciously will the general will over any conflicting private will. For man to regain a harmonious existence more would be required. The opposition between his private and general wills would have to be transcended; he must not suffer from any contradiction between the two. Although this theme is more thoroughly explored in the following chapter, Rousseau did indicate how the opposition might be resolved in the *Social Contract*, most prominently in his discussion of the legislator. Examination of the legislator also proves instructive for appreciating the continuing significance of nature as a normative standard through a closer analysis of Rousseau's understanding of law.

### **Law, nature and denaturing**

Rousseau rarely mentioned nature or natural right in the *Social Contract* and it might appear far from obvious that nature remained a normative standard throughout the work. Yet one sense in which nature proved important should now be clear, as Rousseau sought to preserve man's

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<sup>147</sup> See Chapter Two, 'Harmony, contradiction and the Hobbesian moment'.

<sup>148</sup> Rousseau, *Geneva Manuscript*, CW4:88/ OC3:297. For extended discussion of Rousseau's thought in terms of this distinction see Masters, *The Political Philosophy of Rousseau*, pp. 301-417.

<sup>149</sup> Rousseau, *Social Contract*, CW4:165/ OC3:394.

<sup>150</sup> Rousseau, *Emile*, CW13:389/ OC4:524.

inalienable gifts of nature – his life and freedom – in the body politic. Rousseau's argument for what is able to render a society legitimate cannot be adequately understood detached from his commitment to free will and his account of the nature of man; moreover, he insisted that the 'equality of right, and the conception of justice [the social compact] produces' are derived 'from the nature of man'.<sup>151</sup>

Nonetheless, many commentators maintain that Rousseau's political thought and key concepts such as the general will may be coherently understood without reference to such transcendent standards or metaphysical commitments.<sup>152</sup> This need not involve denying that Rousseau adhered to some variety of neo-Platonic metaphysics, but only that this affected his politics.<sup>153</sup> The general consensus that Rousseau's politics can be detached from his metaphysics has been comprehensively challenged by David Lay Williams, however, who argues forcefully for the priority of Rousseau's neo-Platonic understanding of justice, which supplies an indeterminate transcendent constraint on the general will.<sup>154</sup>

The question of whether or not nature served as a transcendent standard is particularly relevant when considering Rousseau's relationship with Hobbes.<sup>155</sup> Williams claims that Rousseau's *Social Contract* 'is designed explicitly to counter Hobbesian positivism... Rousseau responds to Hobbes's brutish Leviathan with a morally grounded social contract.'<sup>156</sup> This argument is set out in opposition to Straussians who read Rousseau as having followed Hobbes by reducing justice to artifice and conventions.<sup>157</sup> For Strauss, Rousseau was caught between nature and 'a world of artificiality and conventionality'.<sup>158</sup> Where the ancients thought that justice was founded on the nature of things, for moderns it was based only on conventions and consent. Ultimately Rousseau followed Hobbes and thus instigated the first crisis in modern natural right by abandoning any 'attempt to find the basis of right in nature, in human nature',<sup>159</sup> a conclusion endorsed by a number of commentators not necessarily of Straussian persuasion.<sup>160</sup>

Whether or not Strauss's reading of Rousseau is correct is especially important given that the charge of Hobbism – representing a positivistic and conventional understanding of justice – loomed large at the time when Rousseau was writing. Indeed Strauss's reading of Hobbes is not all that dissimilar from the interpretation of Hobbes that prevailed in eighteenth-

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<sup>151</sup> Rousseau, *Social Contract*, CW4:149/ OC3:373.

<sup>152</sup> See in particular Dagger, 'Understanding the General Will', who surveys other interpretations in support of his view.

<sup>153</sup> For example see Hope Mason, 'Individuals in Society', p. 103.

<sup>154</sup> Williams, 'Justice and the General Will'.

<sup>155</sup> This question is thus often couched in terms of Hobbes or Plato and permeates the studies by Melzer, *The Natural Goodness of Man*, and Williams, *Rousseau's Platonic Enlightenment*.

<sup>156</sup> Williams, 'Justice and the General Will', p. 385.

<sup>157</sup> In addition to Strauss, Williams targets Masters and Melzer. See Masters, *The Political Philosophy of Rousseau*, p. 351; Melzer, 'Rousseau's Moral Realism', p. 636.

<sup>158</sup> Strauss, *Natural Right and History*, p. 254.

<sup>159</sup> Strauss, *Natural Right and History*, p. 274.

<sup>160</sup> For a range see Crocker, *Rousseau's Social Contract*, pp. 46, 91; Shklar, *Men and Citizens*, p. 38; Plattner, *Rousseau's State of Nature*, p. 110; Horowitz, *Rousseau, Nature, and History*, p. 81; Rapaczynski, *Nature and Politics*, pp. 277-278; Manent, *History of Liberalism*, p. 78; Schneewind, *The Invention of Autonomy*, p. 473.

century France. The accusation of positivism was closely associated with the theological position of divine voluntarism, as in each case justice emanates from the will of a superior – be it God or a sovereign – which is supposedly distinct from eternal, uniform laws of justice (a position often referred to as rationalism or intellectualism).<sup>161</sup> Malebranche, for instance, advanced the same arguments in order to counter both Hobbes’s alleged positivism and voluntarism; arguments with which Rousseau would have also been familiar from his reading of Leibniz.<sup>162</sup>

Leibniz proves especially significant because he brought the accusation of Hobbesian positivism to bear directly on debates in modern natural law by accusing Pufendorf of Hobbism.<sup>163</sup> According to Leibniz, both Hobbes and Pufendorf had destroyed the possibility of obligatory justice antecedent to positive laws by locating the efficient cause of natural law in the will of a superior. For Leibniz, by contrast, justice does not emanate from the will of a superior but from eternal truths in accordance with certain rules of equality and proportion.<sup>164</sup> Although Jean Barbeyrac defended Pufendorf and sought to navigate a middle ground between the extremes of voluntarism (or positivism) and rationalism, he conceded that either obligation to the rules of justice is ‘independent of the divinity, and grounded solely in the very nature of things... or it is no way grounded in the nature of things.’<sup>165</sup> A somewhat crude opposition thus developed between justice being reduced to Hobbesian positivism or being founded on the nature of things, and this opposition occasioned much debate amongst Genevan thinkers influenced by both Leibniz and the natural law tradition.

Emer de Vattel, for example, sided with Leibniz over Barbeyrac by arguing that obligation arising from the will of a superior is devoid of all foundation.<sup>166</sup> According to Vattel, for the foundations of natural law ‘we would not wish to look further than in *the essence and nature of man and things in general*.’<sup>167</sup> Similarly, Burlamaqui thought that Barbeyrac had not done enough to defend Pufendorf from the charge of Hobbism, thus he argued that obligation and justice are derived from the very nature of things. Against Barbeyrac, Burlamaqui insisted that reason alone and not the will of a superior provides the first and sufficient source of obligation.<sup>168</sup>

Arguments against positivistic and conventional accounts of justice (associated with Hobbes) remained prominent in eighteenth-century French thought, not just in thinkers such as

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<sup>161</sup> On the development of voluntarism and rationalism in the early modern period see Schneewind, *The Invention of Autonomy*.

<sup>162</sup> See Chapter One, ‘Malebranche’s critique of Hobbes’.

<sup>163</sup> More generally see Chapter One, ‘Barbeyrac, Burlamaqui and natural law’.

<sup>164</sup> Leibniz quoted by Barbeyrac, ‘Judgement of an Anonymous Writer’, pp. 286-290. Similarly, in his defence of optimism against Voltaire, Rousseau claimed that nature is ‘subject to the precision of quantities and of forms’, *Letter to Voltaire*, *CW3*:112/ *OC4*:1064-1065.

<sup>165</sup> Barbeyrac, ‘Judgement of an Anonymous Writer’, pp. 290-295.

<sup>166</sup> Vattel, *Essay on the Foundation of Natural Law* [1747], pp. 766-767.

<sup>167</sup> Vattel, *Essay on the Foundation of Natural Law*, p. 748.

<sup>168</sup> Burlamaqui, *Principles of Natural Law*, i.vi.ix.-xii.76-79.

Malebranche, Leibniz and even Montesquieu,<sup>169</sup> but also in modern natural law theory as it developed in Geneva.<sup>170</sup> Modern thinkers drew on ancient sources to claim that justice and right must be in accordance with the nature of things and it is well to note that Burlamaqui quoted Cicero in support of his position:

law in the proper sense is right reason in harmony with nature. It is spread through the whole community, unchanging and eternal, calling people to their duty by its commands and deterring them from wrong-doing by its prohibitions.<sup>171</sup>

Cicero's account of law and justice is of particular interest given that he attempted to combine Roman civil law with Stoic natural law.<sup>172</sup> Similarly, Rousseau sought to provide a republican account of political law that was also in accordance with nature as a transcendent normative standard. In *The Laws*, Cicero argued that the nature of law and justice must be derived from the nature of man, for only then would they be in accordance with the nature of things.<sup>173</sup> Contesting positivistic and relativistic interpretations of justice,<sup>174</sup> Cicero insisted that 'the origin of justice must be derived from law. For law is a force of nature, the intelligence and reason of a wise man, and the criterion of justice and injustice.'<sup>175</sup> Rousseau was certainly familiar with *The Laws* and his own understanding of nature, law and justice is well elucidated by way of comparison with Cicero.<sup>176</sup>

In the *Geneva Manuscript* Rousseau stated that 'law comes before justice and not justice before law'.<sup>177</sup> The chapter from which the quote is taken was concerned only with *civil* justice, yet some commentators have nevertheless drawn on the statement to argue that Rousseau held a positivistic understanding of all justice as conformity with positive law.<sup>178</sup> This, however, is not the most plausible reading and it is here that comparison with Cicero serves to illuminate a more satisfactory interpretation. For Rousseau, much as for Cicero, justice may be secondary to law but the law in question is grounded transcendently in accordance with the nature of things and of man. As Rousseau's discussion of illegitimate contracts in the *Second Discourse* made abundantly clear, he did not consider that any laws were legitimate but only

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<sup>169</sup> See Chapter One, 'Montesquieu against Hobbes'; Williams, 'Political Ontology'.

<sup>170</sup> See Douglass, 'Rousseau's Debt to Burlamaqui', especially pp. 228-230.

<sup>171</sup> Cicero, *The Republic*, 3.33, p. 68; Burlamaqui, *Principles of Natural Law*, ii.v.xi.172.

<sup>172</sup> For the context of seventeenth and eighteenth-century neo-Stoicism and its critics, with reference to Rousseau, see Brooke, 'Rousseau's Political Philosophy'.

<sup>173</sup> Cicero, *The Laws*, 1.16-35, pp. 102-109.

<sup>174</sup> See in particular Cicero, *The Laws*, 1.42, p. 111.

<sup>175</sup> Cicero, *The Laws*, 1.19, p. 103.

<sup>176</sup> Rousseau drew on *The Laws* in his discussion of the Roman Comitia, *Social Contract*, CW4:210/OC3:452. This is not to suggest that Rousseau was necessarily following Cicero, but simply drawing on an understanding of justice and law that resembles and is well elaborated by Cicero, that is, that law must be in accordance with the nature of things. Other aspects of Rousseau's understanding of justice, such as its indeterminacy, may be better brought out by comparison with other (ancient) thinkers such as Plato, see Williams, 'Justice and the General Will', especially pp. 388-400.

<sup>177</sup> Rousseau, *Geneva Manuscript*, CW4:113/OC3:329.

<sup>178</sup> For example see Crocker, *Rousseau's Social Contract*, p. 54; Masters, *The Political Philosophy of Rousseau*, p. 275; Melzer, 'Rousseau's Moral Realism', p. 640. The latter two of these are refuted by Williams, 'Justice and the General Will', pp. 409-410.

those that preserved man's inalienable gifts of nature; his life and freedom. Justice would only follow from good laws, directed by the general will towards the common interest. Such laws would be in accordance with nature, for 'never do good laws change the nature of things; they only follow it, and only such laws are obeyed.'<sup>179</sup>

To this reading it might be objected that at the beginning of Book I Rousseau claimed that the social order does not come from nature and is therefore based on conventions. This comment, however, is set out explicitly in the context of examining illegitimate justifications for the social order.<sup>180</sup> In the *Second Discourse* Rousseau had already shown that the social order does not come from nature, at least to the extent that man is not born for society and that the onset of social relations arose from contingent factors.<sup>181</sup> Society cannot be based on nature in a descriptive sense because the state of nature was asocial; rather, it must be based on conventions. Yet Rousseau still insisted that his principles, in contrast to those he deemed illegitimate, 'are derived from the nature of things, and are based on reason.'<sup>182</sup>

The most compelling evidence in support of nature supplying a normative standard in the *Social Contract* is to be found in the chapter 'On Law', where Rousseau repeated the opening lines from the chapter of the *Geneva Manuscript* entitled 'On the Nature of Laws and the Principles of Civil Justice':

Whatever is good and in accordance with order is so by the nature of things, independently of human conventions. All justice comes from God; He alone is its source. But if we knew how to receive it from on high, we would need neither government nor laws. There is without doubt a universal justice emanating from reason alone; but to be acknowledged among us, this justice must be reciprocal. Considering things from a human point of view, the laws of justice are ineffectual among men for want of a natural sanction.<sup>183</sup>

Conventions are required for men to know that justice is mutually recognised and to obligate them reciprocally; yet not just any conventions will do, they have to be in accordance with the nature of things. Rousseau's understanding of law and justice was thus set out in direct opposition to the positivism associated with Hobbes. It should be stressed at this stage that this was largely a straw Hobbes, although one widely accepted at the time. Indeed Rousseau's remark that when considering 'things from a human point of view, the laws of justice are ineffectual among men for want of a natural sanction' would have easily been endorsed by Hobbes, who opened his chapter in *De Cive* on the causes and generation of a commonwealth by arguing that '*The natural laws are not enough to preserve Peace.*'<sup>184</sup> Neither Hobbes nor Rousseau denied that obligation was owed to the laws of nature *qua* laws of nature. Yet both

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<sup>179</sup> Rousseau, *Letter to d'Alembert*, CW10:309/ OC5:72.

<sup>180</sup> See above, 'Free will, slavery and obligation'.

<sup>181</sup> Rousseau, *Second Discourse*, CW3:42/ OC3:162.

<sup>182</sup> Rousseau, *Social Contract*, CW4:136/ OC3:358.

<sup>183</sup> Rousseau, *Social Contract*, CW4:152/ OC3:378; *Geneva Manuscript*, CW4:111/ OC3:326.

<sup>184</sup> Hobbes, *De Cive*, V.1, Cam.69/ Par.139.

realised that an appeal to right would prove insufficient if men did not also have an interest in observing the laws of nature, and this was the problem that their political philosophies were concerned to address. This is not to say that either thinker abandoned nature or natural law as a standard of justice, but only that both realised that conventions and artifice are also required if justice is to obtain between men in civil society.<sup>185</sup>

Even if it is granted that Rousseau thought legitimate conventions and law had to be in accordance with the nature of things, the claim that his political solution was based on man's nature faces another strong challenge from the role of denaturing. Commentators who have appreciated the significance of nature in Rousseau's thought have nevertheless insisted that the role of the legislator in deceiving and transforming men is a source of 'massive contradiction',<sup>186</sup> and it is usually accepted that the legislator's purpose is to defy nature.<sup>187</sup> Whilst describing the passage from the state of nature to the civil state, Rousseau stated that it 'produces a remarkable change in man,'<sup>188</sup> the implications of which are only fully realised in the chapter on the legislator, in a passage which has occasioned great controversy:

One who dares to undertake the founding of a people should feel that he is capable of changing human nature, so to speak; of transforming each individual, who by himself is a perfect and solitary whole, into a part of a larger whole from which the individual receives, in a sense, his life and being; of altering man's constitution in order to strengthen it; of substituting a partial and moral existence for the physical and independent existence we have all received from nature.<sup>189</sup>

Rousseau's language of denaturing must be taken seriously, not least because in his contemporaneously published *Emile* he likewise asserted that good 'social institutions are those that best know how to denature man, to take his absolute existence from him in order to give him a relative one and transport the *I* into the common unity'.<sup>190</sup> For Rousseau, however, denaturing could somewhat paradoxically be in accordance with nature, as man is by nature perfectible. What is lost in this transformation is man's independent and solitary existence, yet this was only ever a descriptive aspect of his condition in the state of nature; it was never constitutive of his God-given nature. Even when man is denatured, he retains his inalienable gifts of nature, his life and his freedom. Indeed consideration of the legislator serves to elucidate Rousseau's understanding of how the people remain free and how civil society can be in accordance with nature; problems more comprehensively addressed in the next chapter.

The legislator only drafts the laws and has no legislative right himself. For the laws to

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<sup>185</sup> To be sure, for Hobbes injustice was only ever the breach of civil law, but then he reserved the word iniquity to account for otherwise acting in violation of the laws of nature, thus the sovereign too could be iniquitous; a point well brought out by Zagorin, *Hobbes and the Law of Nature*, pp. 92-95.

<sup>186</sup> Melzer, *The Natural Goodness of Man*, pp. 235-240.

<sup>187</sup> Shklar, *Men and Citizens*, p. 155.

<sup>188</sup> Rousseau, *Social Contract*, CW4:141/ OC3:364.

<sup>189</sup> Rousseau, *Social Contract*, CW4:155/ OC3:381.

<sup>190</sup> Rousseau, *Emile*, CW13:161/ OC4:249.

be accepted it is necessary that the people, freely assembled, vote on them. The legislator has recourse to neither force nor reason, rather he must ‘persuade without convincing.’ To do this he needs to speak to the citizens’ hearts rather than their minds, it is thus his wisdom and ‘great soul’ that lead the citizens to believe that the gods speak through him.<sup>191</sup> According to Rousseau, all justice comes from God and the laws of nature are written on the hearts of all men. The surpassing problem, however, is to devise constitutional laws in accordance with nature. If the legislator is capable of both doing so and persuading the citizens to accept the laws that he proposes then it is more his wisdom than his allegedly deceitful invocation of the gods that warrants his quasi-divine status.

The legislative right, it should be stressed, remains with the people, who simply give their assent to the proposed laws. The laws do not emanate from the people in the sense that the people deliberate and propose their own laws; Rousseau thought this beyond the abilities of most people, at least with respect to the constitutional laws drafted by the legislator.<sup>192</sup> Nonetheless, the people remain free simply by giving or withholding their assent. For Rousseau, man’s free will was only ever the consciousness of acquiescing in or resisting the voice of nature and likewise the people would only be free in the body politic by consciously acquiescing in or resisting the voice of the quasi-divine legislator.

The role of the legislator is in accordance with man’s freedom and, even though man is denatured, it is also in accordance with the order of nature. For Rousseau, the contradiction between man and citizen, or the individual and society, was the source of human misery and would lead to the death of the body politic. The law, by contrast, is a ‘celestial voice’ that teaches each citizen ‘not to be in contradiction with himself.’<sup>193</sup> The role of the legislator, in drafting the laws, was to transform man so that he would no longer think of himself as an isolated individual but only as an integral part of the larger moral person constituted by the body politic. Rousseau foresaw the criticisms to which his approach would lead, yet was adamant that rather than abandoning nature he had only ever reasserted the rights of nature in the social order, which he saw vanishing all around him: ‘I found in our social order which – at every point contrary to nature, which nothing destroys – tyrannizes over nature constantly and constantly makes nature demand its rights.’<sup>194</sup>

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<sup>191</sup> Rousseau, *Social Contract*, CW4:156-157/ OC3:383-384. For illuminating discussion of how the legislator persuades the citizens see Kelly, ‘The Language of Rousseau’s Legislator’, and Scott, ‘Rousseau and the Melodious Language of Freedom’, pp. 824-825. For historical context see also Wisner, *The Cult of the legislator in France*, pp. 11-62.

<sup>192</sup> The role of the legislator is only at the foundation of societies and having given the state laws he then exits. It is a much contested question whether or not the people as sovereign draft laws themselves thereafter or whether their role is simply in passing or vetoing laws drafted by the magistrates. For discussion see Putterman, *Rousseau, Law and the Sovereignty of the People*, pp. 45-56. All that matters for the present analysis is that given Rousseau’s understanding of free will the people would remain free simply by voting on the proposed laws, irrespective of whether or not they draft those laws themselves.

<sup>193</sup> Rousseau, *Political Economy*, CW3:146/ OC3:248.

<sup>194</sup> Rousseau, *Letter to Beaumont*, CW9:52/ OC4:966; see also *Emile*, CW13:355/ OC4:483.



## Unity and civil religion

In many respects the political problems that Rousseau confronted were similar to those with which Hobbes was occupied. At this stage it is well to summarise the ways in which, although Rousseau's political thought started from very Hobbesian concerns, he sought to arrive at conclusions largely opposed to Hobbes's. By way of concluding this chapter, Rousseau's invocation of Hobbes in his discussion on civil religion is then briefly considered. This proves to be the most remarkable reference to Hobbes in Rousseau's *œuvre*, and reveals the extent to which they were both concerned with the importance of unity as a political concept, a concern that sets the scene for the discussion in the following chapter.

As early as the *Second Discourse* the ills that Rousseau diagnosed in modern society resembled those of Hobbes's state of nature theory. For Rousseau, as for Hobbes, the progression of unbridled individualism and the development of factitious passions placed men in contradiction with one another, from which a miserable condition ensued and the necessity for political institutions arose. Even if men shared a common interest, it would only ever be advanced by individuals forsaking their private interests, for which there must be mutual assurance that others would do likewise. These are the problems with which political society is faced and as such a satisfactory political philosophy must not only delineate principles of political right but also show men their interest in being just. Nowhere is Rousseau's acceptance of the Hobbesian problematic more evident than in the *Geneva Manuscript* and, even if this was less apparent in the *Social Contract*, his problem nevertheless remained that of uniting right and interest so that justice and utility would not be at variance.

Even if Rousseau agreed with Hobbes regarding the problems that political society had to overcome, he disagreed about what was required to render the social order legitimate. Where Hobbes had been concerned primarily with securing man's self-preservation, Rousseau insisted that it was not just man's life but equally his freedom that had to be preserved in the social order. This meant radically inverting the Hobbesian account of sovereignty, so that it always resided in the people and was incapable of being alienated or represented by the will of a superior. In arguing thus, Rousseau once again collapsed the prevalent bifurcation between Hobbes and his critics in the modern natural law tradition, all of whom had, by Rousseau's standards, proposed accounts of sovereignty and obligation that involved freedom being renounced.

For Rousseau, freedom could only be preserved if the law was placed above man. Citizens would need to freely will the general will and thereby be dependent only on the law (as the articulation of their general will) and not the will of other men. The general will that each individual possesses *qua* citizen must prevail over any contrary private will. Indeed for the political order to be in accordance with nature as a normative standard any opposition between the private and general will would have to be transcended, so that the citizens would not suffer from the contradictions that cause human misery. Yet at a more basic level the opposition

between conflicting wills posed a threat to the stability and longevity of the body politic. Rousseau was, therefore, greatly concerned with the importance of political unity for the survival of the state; a concern that he shared with Hobbes.

One way in which this shared concern played out was in their accounts of sovereignty, as both Hobbes and Rousseau maintained that it would be self-defeating for individuals to hold rights against the sovereign, thus the will and the judgment of the sovereign had to be absolute. For Rousseau, the problem was particularly acute as on the one hand he thought that any legitimate conventions would have to be in accordance with nature as a normative standard, for only then could any social order ever be judged illegitimate. Yet on the other hand, as with Hobbes, he recognised that for civil purposes citizens could not appeal to natural law over the will and judgment of the sovereign. To resolve this potential tension Rousseau argued that the sovereign is only properly so called when legitimately constituted, that is, when sovereignty remains in the people and only pertains to the passing of general laws. Rousseau's sovereign was thus absolute in power but limited in the form of its actions.

Another way in which their shared concern with political unity played out was in their ideas regarding the role of religion in society; indeed on this issue Rousseau explicitly identified Hobbes as his main precursor. Rousseau's chapter on civil religion has occasioned much scholarly interest, yet this has mainly been directed at whether or not it should be taken as indicative of his alleged totalitarianism.<sup>195</sup> Critics of the totalitarian reading have quite rightly pointed out that the chapter is no less tolerant than John Locke's *Letter on Toleration*,<sup>196</sup> that in Geneva it was in fact criticised for being too tolerant,<sup>197</sup> and even that Rousseau's argument resembles John Rawls's idea of an overlapping consensus of reasonable comprehensive doctrines.<sup>198</sup> Less attention, however, has been directed towards Rousseau's invocation of Hobbes, yet this proves to be one of the most striking passages of the whole chapter:

Of all Christian Authors, the philosopher Hobbes is the only one who correctly saw the evil and the remedy, who dared to propose the reunification of the two heads of the eagle, and the complete return to political unity, without which no State or Government will ever be wisely constituted.<sup>199</sup>

To appreciate the boldness of this passage it is worth recalling Hobbes's reputation at the time. Hobbes's principles were widely decried by Rousseau's contemporaries, thus it was rare to find any explicit endorsement of his political ideas, especially those concerning the relationship between religion and politics. To claim that Hobbes was the only *Christian* author to understand the problem of religion was all the more remarkable, given that he was widely portrayed as an

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<sup>195</sup> For an overview and critique of the relevant literature see Ball, *Reappraising Political Theory*, pp. 108-118.

<sup>196</sup> Leigh, *Rousseau and the Problem of Tolerance*, pp. 23-25.

<sup>197</sup> Kirk, 'Genevan Republicanism', pp. 291-292. In this context see also Rousseau's own defence of the chapter, *Letters from the Mountain*, *CW9*:146-149/ *OC3*:703-707.

<sup>198</sup> Bertram, 'Toleration and Pluralism'.

<sup>199</sup> Rousseau, *Social Contract*, *CW4*:218/ *OC3*:463.

atheist whose ideas were destructive of all religion and morality. What is more, the very association of Hobbism, as Rousseau was well aware, was enough to discredit or even condemn an author or theory, as was well illustrated by the fate of Helvétius's *De l'Esprit*. Upon its publication in 1758 the archbishop of Paris, Christophe de Beaumont, issued a condemnation of the work in which he compared Helvétius to Hobbes. Where Hobbes had at least disguised his abominable system, Helvétius was accused of openly attacking Christianity.<sup>200</sup> Helvétius's principles then, so Beaumont claimed, 'are the same as those of Hobbes; they tend to destroy all the foundations of justice and probity; to efface all the notions that have until now been held of virtue and the duties that it imposes.'<sup>201</sup>

Whether or not Rousseau was aware of the exact charges levelled against Helvétius, he certainly followed the controversy surrounding the work closely and as a result declined to publish his own critique of *De l'Esprit*.<sup>202</sup> Rousseau's own religious views would later be condemned by Beaumont and the chapter on civil religion was severely rebuked in Geneva, as Rousseau had argued that Christianity – being 'a totally spiritual religion, uniquely concerned with Heavenly matters' – is incompatible with love of fatherland.<sup>203</sup> Christianity was, therefore, only a religion of man and not of the citizen, and Rousseau insisted that this was the conclusion at which Hobbes should have arrived. Rousseau could hardly have been surprised that invoking Hobbes in support of his already controversial account of Christianity would provoke such a hostile reaction, and given this context the audacity of the passage cannot be understated. Yet this is not the only reason why it is of interest, for it also suggests that Rousseau had recently changed his opinion of Hobbes.

Rousseau's earliest discussion of civil religion is to be found in his *Letter to Voltaire*, where he wrote that 'all human Government is limited by its nature to civil duties; and whatever the Sophist Hobbes might have been able to say on this, when a man serves the State well, he does not owe an account to anyone of the manner in which he serves God.'<sup>204</sup> Similarly, in his earlier draft of the chapter on civil religion, Rousseau only mentioned Hobbes once in order to criticise his intolerance,<sup>205</sup> a criticism that was omitted from the final version. Some scholars have argued that Hobbes grew on Rousseau throughout the 1750s, perhaps suggesting that he re-read Hobbes.<sup>206</sup> Examination of the chapter on civil religion certainly supports this conclusion and indicates more precisely that the change in opinion occurred between the

<sup>200</sup> Beaumont, 'Mandement de Monseigneur l'archevêque de Paris [1758]', p. 314.

<sup>201</sup> 'ils sont les mêmes que ceux de Hobbes; ils tendent à détruire tous les fondements de la justice & de la probité; à effacer toutes les notions qu'on a eues jusqu'ici de la vertu & des devoirs qu'elle impose.' Beaumont, 'Mandement de Monseigneur l'archevêque de Paris', p. 318.

<sup>202</sup> Notably, Rousseau mentioned his decision not to publish his critique of Helvétius when defending his own religious views (in a note to the letter in which he defended his account of civil religion), *Letters from the Mountain*, CW9:138/ OC3:693.

<sup>203</sup> Rousseau, *Social Contract*, CW4:220/ OC3:466.

<sup>204</sup> Rousseau, *Letter to Voltaire*, CW3:119/ OC4:1072.

<sup>205</sup> Rousseau, *Geneva Manuscript*, CW4:122/ OC3:341.

<sup>206</sup> Taylor, 'Rousseau's Debt to Hobbes', p. 301; Glaziou, *Hobbes en France*, pp. 280-281; Tuck, 'Democracy in Rousseau, *Lectures*, pp. 4-6.

completion of the *Geneva Manuscript* and the publication of the *Social Contract*. That Rousseau should have revised his opinion is not all that surprising, however, as his affinities with Hobbes's views on religion predate the *Social Contract*, even if Rousseau had previously been unaware of them as such.

In the *Geneva Manuscript* Rousseau argued that religion would be insufficient to prevent men from fighting one another, as in developed societies only the force of civil laws could secure peace. Moreover, religion was more likely to instigate conflict and sedition than to quell discord, as Rousseau stressed in a passage that echoed the arguments advanced by both Hobbes and Pierre Bayle:

The whole earth would be covered with blood and the human race would soon perish if Philosophy and laws did not hold back the furies of fanaticism and if the voice of men was not louder than that of the Gods.<sup>207</sup>

It is well to note that the passage is from the chapter of the *Geneva Manuscript* in which Rousseau endorsed the Hobbesian problematic of the state of nature. Rousseau, along with Hobbes and Bayle, thought that religious allegiances tend to prove a cause of war rather than peace and that in states where the clergy forms a body independent of the civil person there are consequently 'two powers, two Sovereigns'.<sup>208</sup> Rousseau maintained that there could only ever be one absolute sovereign body and that if another body attempted to usurp or challenge its power then the body politic would be close to ruin.

Although Rousseau was in agreement with Hobbes and Bayle that there should be no conflict in a state between civil and ecclesiastical powers, he explicitly rejected Bayle's claim that a society of atheists could live peacefully together.<sup>209</sup> Indeed it is somewhat ironic that Rousseau's chapter on civil religion offered the most sympathetic interpretation of Hobbes's religious views since Bayle's *Dictionary* article, yet then proceeded to criticise Bayle's position. Whilst Rousseau agreed with Bayle that there must be no contradiction between religious and political authority, he also deemed religion essential for good morals and virtue.<sup>210</sup>

According to Rousseau, the sovereign had the right to establish 'a purely civil profession of faith... not exactly as Religious dogmas, but as sentiments of sociability'. One purpose of the sovereign establishing this profession of faith was akin to Hobbes's arguments for the sovereign being the authoritative interpreter of Scripture.<sup>211</sup> For Hobbes, the reason that the 'two heads of the eagle' has to be reunified, to use Rousseau's phrase, was primarily negative. Political unity would only ever be secured by removing any challenges to the civil

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<sup>207</sup> Rousseau, *Geneva Manuscript*, CW4:79/ OC3:285. See also Chapter One, 'Nicole, Bayle and the moral-political emphasis'.

<sup>208</sup> Rousseau, *Social Contract*, CW4:218/ OC3:463.

<sup>209</sup> Rousseau, *Social Contract*, CW4:219/ OC3:464; *Emile*, CW13:479-481/ OC4:632-635.

<sup>210</sup> To be sure, Rousseau's opinion on this matter had changed over time as he pointed out in his *Letter to d'Alembert*, where he noted that 'I do not mean by this that one can be virtuous without Religion; I held this erroneous opinion for a long time, but now I am only too disabused.' CW10:322/ OC5:89.

<sup>211</sup> Hobbes, *De Cive*, XVII.27, Cam.230-233/ Par.332-337.

sovereign's authority that could lead to discord, namely those propagated by ecclesiastical powers that tend to excite sedition.

For Rousseau, however, the purpose of a civil religion was also to cultivate citizenship, for 'it matters greatly to the State that each Citizen have a Religion that causes him to love his duties'.<sup>212</sup> Political unity would only ever be sustained if citizens came to love the laws, their duties and the fatherland with a patriotic zeal. One way that this could be achieved would be by establishing the religion of the citizen, where the citizens' love for God would be one with their love of fatherland. In his chapter on civil religion, just as with his discussion of the legislator, Rousseau indicated how in an ideal body politic the citizens' passions might be ordered towards love of fatherland. This required the development of public mores and the cultivation of virtue, topics which Rousseau only fully explored elsewhere in his *œuvre*.

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<sup>212</sup> Rousseau, *Social Contract*, CW4:222/ OC3:468.

## Ordering the Passions

*All human establishments are based on the human passions and preserved by means of them.*<sup>1</sup>

In the *Social Contract* Rousseau famously began by taking ‘men as they are and laws as they might be.’<sup>2</sup> Yet this was only ever half of his political project for, as he wrote in the *Discourse on Political Economy*, if ‘it is good to know how to use men as they are, it is better still to be able to make them what one needs them to be.’<sup>3</sup> For Rousseau, the task of making men what one needs them to be involved ordering their passions and forming their will. In this way the contradictions of the social system and the opposition between private and general wills could be overcome, and men could once again enjoy the harmonious existence that is lost in modern societies. This could only be achieved in a well-ordered republic with institutions capable of cultivating love of fatherland and rendering it man’s ‘dominant passion’.<sup>4</sup>

In developing his vision of a well-ordered republic Rousseau combined a classical republican discourse with an understanding of the passions and an analysis of the different varieties of love that was indebted to neo-Augustinian French thought. As was often the case, Rousseau sought to employ contrasting political discourses in a complementary manner to support his own ideas. This chapter focuses on Rousseau’s understanding of the passions and the problem of ordering them towards the right type of love that was so central to the Augustinian tradition of moral philosophy. The following chapter then examines the conditions requisite for cultivating virtue in the body politic and speaks more generally to Rousseau’s republicanism.

In the previous chapters the focus has been on examining Rousseau’s response to Hobbes, or to Hobbism as it was understood in eighteenth-century French thought. This has largely entailed locating that response within its historical context in order to discern exactly what Rousseau thought he was doing by engaging with Hobbes. In this chapter and the next a broader intellectual context is considered, hence the emphasis falls less on Rousseau’s direct engagement with Hobbes and more on disclosing the wider philosophical affinities and differences between their political theories.

Both Hobbes and Rousseau were centrally concerned with the importance of establishing political unity. This involved developing a unified political will that was realised in the person of the sovereign. Yet both thinkers also recognised that what men will is in large part determined by the passions that move them. For political unity to be preserved, men would have to come to identify their own life as being inextricably bound up with, or secured by, the life of

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<sup>1</sup> Rousseau, *Letters from the Mountain*, CW9:147/ OC3:704.

<sup>2</sup> Rousseau, *Social Contract*, CW4:131/ OC3:351.

<sup>3</sup> Rousseau, *Political Economy*, CW3:148/ OC3:251.

<sup>4</sup> Rousseau, *Considerations on Poland*, CW11:178/ OC3:964.

the body politic. Such identification could not be ensured solely by showing men their rational interest in adhering to the laws of the body politic. For peace and unity to be sustained, individuals would have to identify at a much deeper level; their passions, as much as their reason, would have to attach them to the body politic.

One of the central political problems for both Hobbes and Rousseau then – perhaps more so than for any other modern political philosopher – was that of ordering the passions to secure political unity. This might initially seem like a surprising claim but it appears less so once the problems that their theories were set out to overcome are considered. For Hobbes, famously, the natural condition of mankind was a war of all against all and this, so he claimed, was an ‘Inference, made from the Passions’.<sup>5</sup> Similarly, for Rousseau, the necessity for political institutions arises at the point when our ‘needs bring us together in proportion as our passions divide us’.<sup>6</sup> Both thinkers were acutely aware of the problems that men’s inflamed passions and the unbridled individualism developed therewith posed to the stability of society. In examining their respective accounts of the passions some of the most important resemblances and distinctions between their political philosophies are thus elucidated.

First and foremost, however, the aim of this chapter is to build on the interpretation of Rousseau that has been advanced heretofore, and, in doing so, address the problematical relationship between nature, free will and the passions. The cultivation of the passions in Rousseau’s ideal republic may initially seem in tension with the significance that he attached to nature as a normative standard and to the importance of free will in rendering any social body legitimate. To resolve these tensions the precise nature and bearing of the concepts must be explicated, which in large part rests on dispelling the proto-Kantian readings of Rousseau that abound. This is especially significant given that some of the commentators who have taken the role of free will most seriously in Rousseau’s thought have closely associated the concept with a Kantian notion of autonomy.<sup>7</sup> In addition, a proto-Kantian account of virtue has been attributed to Rousseau, where men’s inclinations and duties are in a perpetual state of war and virtue entails the triumph of the latter.<sup>8</sup> Such readings, however, are in marked contrast to the importance that Rousseau placed on harmony and unity for rendering man’s life happy and in accordance with nature.

To indicate from the outset where the proto-Kantian readings go astray, it is well to recall the challenges that Rousseau thought political society had to overcome. One of the greatest problems that Rousseau identified with the development of modern commercial society was that man’s naturally harmonious and ordered existence had been lost and his life is consequently rife

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<sup>5</sup> Hobbes, *Leviathan*, p. 89.

<sup>6</sup> Rousseau, *Geneva Manuscript*, CW4:76/ OC3:282.

<sup>7</sup> See principally Levine, *The Politics of Autonomy*, pp. 57-58. Similarly, Rawls’s political theory is based on a Kantian notion of autonomy, and it is this that supposedly relates ‘justice as fairness to the high point of the contractarian tradition in Kant and Rousseau.’ *A Theory of Justice*, §40, pp. 221-222. A proto-Kantian reading of freedom as autonomy is also implicit at times in Riley’s work, see especially *Will and Political Legitimacy*, p. 17.

<sup>8</sup> O’Hagan, *Rousseau*, p. 245.

with contradiction. Nowhere was this made more explicit than in an unpublished fragment on the public happiness, which has already been quoted but bears being repeated:

What causes human misery is the contradiction between our conditions and our desires, between our duties and inclinations, between nature and social institutions, between the man and the citizen. Make man united and you will make him as happy as he can be. Give him entirely to the state or leave him entirely to himself; but if you divide his heart, you tear him to pieces.<sup>9</sup>

This contradiction manifested itself in many forms. In addition to those mentioned in the passage, the contradictions between the private will and the general will and between man's primitive *amour de soi-même* and his socially acquired *amour-propre* may be added. The latter of these is of great significance when considering Rousseau's theory of the passions, not least because in the second part of the *Second Discourse* he recounted how these two types of love became opposed to one another. The golden age for man was one in which *amour-propre* was active but tempered by pity,<sup>10</sup> from which man's existence was rendered progressively miserable to the extent that his *amour-propre* developed in opposition to his *amour de soi-même*.<sup>11</sup>

For man to recover a harmonious existence in developed societies this contradiction would have to be overcome and the positive potential of *amour-propre* would have to be realised, much as Rousseau indicated as early as 1755, when he wrote of 'combining the force of *amour-propre* with all the beauty of virtue' to make it 'the most heroic of all the passions.'<sup>12</sup> For Rousseau, political virtue would only ever be attained by cultivating men's passions over their reason, thus rather than reading him as a forerunner of Kant, it is best to proceed from an examination of the intellectual context within which he developed his own account of the passions in general and of *amour-propre* in particular.

### Neutralising *amour-propre*

Rousseau famously argued that *amour-propre* could lead to either virtue or vice because as a passion it was 'naturally neutral.'<sup>13</sup> However, to claim that *amour-propre* was anything other than a vicious passion that was the source of man's depravity was to oppose a strong trend of French moral thought that was only beginning to be challenged towards the end of the seventeenth century and into the eighteenth century.<sup>14</sup> This tradition of thought was Augustinian

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<sup>9</sup> Rousseau, *Political Fragments*, CW4:41/ OC3:510.

<sup>10</sup> Rousseau, *Second Discourse*, CW3:48/ OC3:170-171.

<sup>11</sup> See Chapter Two, 'Harmony, contradiction and the Hobbesian moment'.

<sup>12</sup> Rousseau, *Political Economy*, CW3:151/ OC3:255.

<sup>13</sup> Rousseau, *Emile*, CW13:225/ OC4:332. To be sure, recognition of the potential for *amour-propre* to lead to either virtue or vice has only been widely accepted since Dent's seminal analysis, *Rousseau*, pp. 52-86.

<sup>14</sup> For general context see Levi, *French Moralists*, pp. 202-233; Keohane, *Philosophy and the State in France*, pp. 183-212, 283-311; Moriarty, *Fallen Nature, Fallen Selves*, pp. 159-224; Stiker-Métral, *Narcisse contrarié*.



in origin and centred on the problem of the right type of love. It is only with this context in mind that Rousseau's own account of the passions can be fully understood, in which he would attempt to harmonise *amour de soi-même* and *amour-propre* through love of fatherland.

For Augustine, man's purpose was to love God according to God, rather than according to man, and only when man was so disposed could he be said to have a good will. Augustine called this disposition charity (*caritas*) or love (*amor*), and what mattered was the type of love with which man loved God. In a sentence that captures well the problem that would be at the heart of much seventeenth and early eighteenth-century French moral philosophy, Augustine wrote that a 'righteous will, then, is a good love; and a perverted will is an evil love.'<sup>15</sup> This evil love was self-love, or pride, which was the cause of Original Sin and man's fall, which, in turn, resulted in the opposition between the earthly city of men and the heavenly city of God. These two cities could be characterised accordingly by the types of love that prevailed in each, thus 'in the one city, love of God has been given pride of place, and, in the other, love of self.'<sup>16</sup>

Augustine's influence on the development of early modern philosophy and theology loomed large, especially in Catholic countries; indeed it has even been argued that an 'Augustinian moment' characterised European thought from the mid-fifteenth to the mid-eighteenth century.<sup>17</sup> This characterisation certainly reflected much seventeenth-century French thought, most notably through the influence of Saint-Cyran and Cornelius Jansen, who brought Augustinianism to the Port-Royal community. However, Augustinian ideas were not confined to what later came to be called Jansenism, and they permeated the moral philosophy of thinkers such as Senault, La Rochefoucauld and even Malebranche. Rousseau was well versed in this tradition of French thought and read widely within it during the 1730s under the guidance of Madame de Warens. This was a formative period in his philosophical development, during which he attempted to equip himself with 'a storehouse of ideas', before comparing and judging them to form his own convictions.<sup>18</sup> Rousseau was so occupied with the writings of Port-Royal and the Oratory that he even described himself as 'half Jansenist'.<sup>19</sup>

In what is now the most comprehensive historical examination of *amour-propre* in seventeenth-century France, Charles-Olivier Stiker-Métral identifies the 1640s as the turning point when the distinctively Augustinian interpretation of the passion became established.<sup>20</sup> Around this time Augustine's self-love (*amor sui*) was translated into French as either *amour-propre* or *amour de soi*. The former was always used pejoratively and even though the latter could be used neutrally, both were opposed to charity (*la charité*) or pure love (*pur amour*),

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<sup>15</sup> Augustine, *City of God*, Book XIV, Chapter 7, p. 592.

<sup>16</sup> Augustine, *City of God*, XIV.13, p. 608; XIV.28, p. 632.

<sup>17</sup> Wright, *The Counter-Reformation*, pp. 1-33.

<sup>18</sup> Rousseau, *Confessions*, CW5:199/ OC1:237. Of the thinkers discussed in this section the only one to whom Rousseau never explicitly referred in his published writings was Senault. However, even if Rousseau was unfamiliar with Senault's work, it nevertheless merits being examined given Senault's influence in transmitting the language of Augustinian *amour-propre* to later French moralists.

<sup>19</sup> Rousseau, *Confessions*, CW5:203/ OC1:242.

<sup>20</sup> Stiker-Métral, *Narcisse contrarié*, pp. 69-137.

which represented Augustine's love of God according to God.<sup>21</sup> One of the earliest and most influential moralists to use the concept of *amour-propre* in the Augustinian sense that was to become prominent in much later seventeenth-century thought was Jean-François Senault.

Following Augustine, Senault affirmed that the only passion that moves man is love, even if it takes on disguised forms,<sup>22</sup> thus the problem with which he was centrally concerned was that of directing love towards its rightful object. Senault argued that the disorder of man's passions was occasioned by Original Sin. The passions of pre-lapsarian man were no less natural than those of man after the fall; the only difference being that in the state of innocence man's passions were well-ordered.<sup>23</sup> In this state charity and *amour-propre* were mixed together as one, and the natures of the two loves only changed and became opposed to one another through Original Sin, by which man forgot what he owed to God and rather made a god of himself.<sup>24</sup> This idea, that *amour-propre* was only rendered evil by Original Sin, would prove to be the characteristic feature of a distinctively Augustinian analysis of *amour-propre* throughout much seventeenth-century French thought.<sup>25</sup>

In man's fallen state, according to Senault, only the combination of grace and reason can govern the passions. Reason alone is insufficient for 'if grace does not assist us, *amour-propre* betrays us'.<sup>26</sup> With the assistance of grace, reason may direct and moderate the passions; man cannot banish them from his heart but reason might direct his love towards legitimate objects and thereby 'render it virtuous by an innocent deception'.<sup>27</sup> Although Senault thought that the passions could be directed towards virtue, he maintained that *amour-propre* itself was always inimical to charity, piety and justice. Senault, then, firmly consolidated the idea that the nature of *amour-propre* was unequivocally negative, yet by the end of the seventeenth century this idea was beginning to be challenged. Indeed even amongst those who accepted that the passion was itself a vice, the positive social effects to which it could give rise were increasingly emphasised as the century progressed.

The idea that man's vices might imitate the effects of virtue was commonplace amongst much of the most widely read moral thought of the latter half of the seventeenth century. For instance, Blaise Pascal wrote that we 'have used concupiscence as best we can to make it serve

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<sup>21</sup> Keohane, *Philosophy and the State in France*, pp. 184-185.

<sup>22</sup> Senault, *De l'Usage des Passions* [1641], p. 28.

<sup>23</sup> Senault, *De l'Usage des Passions*, pp. 42-49.

<sup>24</sup> Senault, *De l'Usage des Passions*, p. 229.

<sup>25</sup> Moriarty, *Fallen Nature, Fallen Selves*, p. 185. For example, Pascal maintained that *amour-propre* was 'natural in Adam, and righteous in his innocence; but it became criminal and immoderate in consequence of his sin' ('était naturel à Adam, et juste en son innocence; mais il est devenu et criminel et immodéré, en suite de son péché'), 'Lettre de Pascal à Monsieur et Madame Périer' [1651], *Œuvres*, p. 496. Similarly, in an unpublished maxim, La Rochefoucauld claimed that God allowed man to make a god of his *amour-propre* as punishment for Original Sin 'so that it may torment him in every deed he ever does', *Maxims*, pp. 182-183. The first edition of the *Maxims* was published in 1664, and the fifth edition in 1678. The fifth edition was the most widely read thereafter and maxim numbers are given to that edition where relevant.

<sup>26</sup> 'si le grace ne nous assiste, l'amour-propre nous trahit', Senault, *De l'Usage des Passions*, p. 96.

<sup>27</sup> '& le rendre vertueux par une tromperie innocente', Senault, *De l'Usage des Passions*, p. 116.

the common good. But that is only pretence, and a false picture of charity.’<sup>28</sup> Similarly Jean de La Bruyère claimed that there ‘is no vice which does not bear a misleading likeness to some virtue, and take advantage of this’,<sup>29</sup> and François de La Rochefoucauld opened the fourth and fifth editions of his *Maxims* with the epitaph ‘Our virtues are, most often, only vices in disguise’.<sup>30</sup> La Rochefoucauld even went as far as to claim that *amour-propre* imitates the effects of virtue, although the maxim in which he did so was removed from the final edition:

We are so thoroughly biased in our own favour that, most often, what we take for virtues are really only vices which resemble them, and which *amour-propre* has disguised from us.<sup>31</sup>

In the final and most widely read edition of the *Maxims* La Rochefoucauld did not explicitly state that *amour-propre* has beneficial effects, although this could have easily been inferred. Instead La Rochefoucauld employed the less pejorative term of self-interest (*l'intérêt*), which ‘puts on display all kinds of virtues and vices’ and ‘often deserves to be praised for our good deeds.’<sup>32</sup> Only in an unpublished maxim did La Rochefoucauld suggest how closely self-interest and *amour-propre* are related, in which he claimed that ‘Self-interest is the soul of *amour-propre*.’<sup>33</sup>

The notion that *amour-propre* could imitate the effects of virtue found its strongest expression in the work of Pierre Nicole, which in many respects marks the culmination of the tradition of French neo-Augustinian moralists who argued, foreshadowing Mandeville, that men’s vices lead to public benefits. This is evident from the opening lines of Nicole’s essay dedicated to the topic, ‘Of Charity and of *amour-propre*’:

Although there is nothing so opposed to charity, which relates all to God, than *amour-propre*, which relates all to itself, there is nevertheless nothing that so resembles the effects of charity as those of *amour-propre*<sup>34</sup>

Nicole maintained that charity and *amour-propre* were completely opposed to one another, yet as the sole difference between these two loves was dispositional ultimately only God could distinguish between them.<sup>35</sup> A society founded on *amour-propre* nonetheless remained corrupt despite the civil benefits that flow from the passion being enlightened. Nicole even supported his Augustinian theory of human nature with a Hobbesian account of man, the origins of civil

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<sup>28</sup> Pascal, *Pensées*, pensée 243, p. 75. The heavily edited Port-Royal edition of the *Pensées*, with which Pascal’s eighteenth-century readers would have been familiar, was published in 1670.

<sup>29</sup> La Bruyère, *Characters* [1688], p. 79.

<sup>30</sup> La Rochefoucauld, *Maxims*, p. 3.

<sup>31</sup> La Rochefoucauld, *Maxims*, pp. 172-173.

<sup>32</sup> La Rochefoucauld, *Maxims*, maxims 253, 305, pp. 73, 87, respectively.

<sup>33</sup> La Rochefoucauld, *Maxims*, pp. 182-183. The precise relationship between *amour-propre* and self-interest in La Rochefoucauld’s thought is a complex one, however, and changes can be traced between the different editions of the *Maxims*, see Moriarty, *Fallen Nature, Fallen Selves*, pp. 225-248.

<sup>34</sup> ‘Quoiqu’il n’y ait rien de si opposé à la charité, qui rapporte tout à Dieu, que l’amour-propre, qui rapporte tout à soi, il n’y a rien néanmoins de si semblable aux effets de la charité que ceux de l’amour-propre’. Nicole, ‘De la Charité et de l’amour-propre’, *Œuvres*, p. 179.

<sup>35</sup> Nicole, ‘De la Charité et de l’amour-propre’, *Œuvres*, p. 200.

society and the means by which men's passions could be directed so that peace might be procured. This line of thought was later taken to its logical conclusion by Pierre Bayle, who argued that if enlightened *amour-propre* leads men to live together in peace and if love of God is superfluous for civil purposes then a society of atheists could subsist perfectly well.<sup>36</sup>

If Nicole was the first to comprehensively neutralise the effects and political implications of *amour-propre*, it was arguably Nicolas Malebranche who first neutralised the nature of the passion. The most important concept in Malebranche's morality was love of order, under which he subsumed love of God, or charity.<sup>37</sup> Where Nicole had insisted that *amour-propre* remained inherently evil despite the civil benefits that flow from its enlightenment, Malebranche argued that the passion was neither virtuous nor vicious. Equating *amour-propre* with the desire of being happy, Malebranche claimed that '*amour-propre* in itself is not bad: God unceasingly produces it in us.'<sup>38</sup> The problem was rather to enlighten it so that it would be in harmony with love of order:

Nonetheless when *amour-propre* is enlightened, when it is regulated, when it is in accord with love of order, one achieves the greatest perfection of which one is capable.<sup>39</sup>

Where for Nicole enlightened *amour-propre* would only ever imitate charity, for Malebranche it could be in genuine agreement with love of order and therewith love of God. Indeed Malebranche claimed that *amour-propre* is 'the natural motive to virtue' and only in wicked men becomes the motive to vice; as such it is 'the motive which should make us love God, unite ourselves with Him, [and] submit ourselves to [His] law.'<sup>40</sup> It is also worth noting that Malebranche was as much indebted to Cartesian philosophy as he was to Augustinian moral thought, both of which may have influenced his theory of the passions. Descartes had attempted to provide a scientific examination of the passions, explaining them only as 'a Physicist' and not 'as an Orator, or even as a moral Philosopher.'<sup>41</sup> Eschewing any theological account that would render man's post-lapsarian passions inherently sinful, Descartes concluded that the passions 'are all in their nature good, and that we have nothing to avoid but misuses or excesses of them'.<sup>42</sup> For Malebranche too, it was only the misuse of the passions that led to vice and although he still adhered to the Augustinian doctrine of Original Sin – whereby man's fall was

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<sup>36</sup> See Chapter One, 'Nicole, Bayle and the moral-political emphasis'.

<sup>37</sup> Malebranche, *Traité de Morale, Œuvres*, XI, p. 41.

<sup>38</sup> 'l'amour propre en lui-même n'est pas mauvais : Dieu le produit sans cesse en nous.' Malebranche, *Traité de Morale, Œuvres*, XI, p. 101.

<sup>39</sup> 'Néanmoins lors que l'amour propre est éclairé, lors qu'il est réglé, lors qu'il est d'accord avec l'amour de l'ordre, on est dans la plus grande perfection dont on soit capable.' Malebranche, *Traité de Morale, Œuvres*, XI, p. 45. The idea that *amour-propre* could be turned to good use if in accordance with love of order, usually associated with Malebranche, may well have also been familiar to Rousseau from Bernard Lamy's *Entretiens sur les sciences* [1683], see Lee, 'The Platonic Education of *Amour-propre*'.

<sup>40</sup> 'c'est le motif naturel de la vertu, & qui devient dans les pécheurs le motif du vice... [II] est le motif qui doit nous faire aimer Dieu, nous unir à lui, nous soumettre à la loi.' Malebranche, *Traité de Morale, Œuvres*, XI, p. 270.

<sup>41</sup> Descartes, *The Passions of the Soul* [1649], Preface, p. 17.

<sup>42</sup> Descartes, *The Passions of the Soul*, Article 211, p. 132.

the result of corrupt love – he emphasised the disorder of this love rather than its origin in *amour-propre*, thus eliding the prevalent bifurcation between *amour-propre* and love of God and rendering the passion morally neutral.<sup>43</sup>

As the eighteenth century progressed the notion that *amour-propre* was unequivocally negative was increasingly challenged, especially by thinkers who repudiated the Augustinian theory of man's post-lapsarian state for a more positive account of human nature. For example, Malebranche's neutralised account of *amour-propre* was adopted by the Abbé de Saint-Pierre (whose works Rousseau would have known especially well given that he was responsible for editing and abridging them).<sup>44</sup> Saint-Pierre followed Malebranche in arguing that *amour-propre* is the source of both all vices and all moral virtues, and proceeded to distinguish between innocent, virtuous and unjust *amour-propre*.<sup>45</sup> By the middle of the eighteenth century the neo-Augustinian moralists of the previous century were coming under sustained criticism. For instance, the Marquis de Vauvenargues had Pascal and especially La Rochefoucauld in his sights when he provocatively asked: 'Is it against reason or justice to love oneself? And why do we always want *amour-propre* to be a vice?'<sup>46</sup> Similarly, Charles Pinot Duclos set out his highly acclaimed *Considerations on the Mores of this Century* against those who began their writings on morality by condemning man for his miserable and corrupt state:

Men are, it is said, full of *amour-propre* and attached to their interest. Let it be so. These dispositions have nothing vicious in themselves, they [only] become good or evil by the effects that they produce.<sup>47</sup>

Even amongst those who denied that *amour-propre* was inherently sinful, however, its negative implications were still retained and its propensity to lead towards vice still emphasised. It is well to remember that Malebranche was reticent about the passion's positive effects and criticised Hobbes for having founded all justice on *amour-propre*.<sup>48</sup> This line of criticism persisted throughout much eighteenth-century French thought – reinforced by Barbeyrac's translations of Pufendorf – and underwrote the association of Hobbes with Epicureanism,<sup>49</sup>

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<sup>43</sup> More generally see Stiker-Métral, who similarly argues that Malebranche's *Traité de Morale* represents the rupture between the moral thought of the Oratory and the Augustinianism of Port-Royal, precisely because Malebranche retained the Augustinian framework but re-evaluated the place of *amour-propre* within it, *Narcisse contrarié*, especially pp. 285-295.

<sup>44</sup> The Marquis de Mirabeau suggested this project (via Madame Dupin), and Rousseau worked on it from the mid 1750s. For details see Rousseau's *Confessions*, CW5:342/ OC1407.

<sup>45</sup> For Malebranche's influence on Saint-Pierre's account of *amour-propre* see Keohane, *Philosophy and the State in France*, pp. 365-369.

<sup>46</sup> 'Est-il contre la raison ou la justice de s'aimer soi-même? Et pourquoi voulons-nous que l'amour-propre soit toujours un vice?' Vauvenargues, *Réflexions et Maximes*, maxim 290, *Œuvres*, vol. II, p. 432. The *Réflexions et Maximes* were first published alongside the *Introduction à la Connaissance de l'Esprit Humain* in 1746.

<sup>47</sup> 'Les hommes sont, dit-on, pleins d'amour-propre, & attachés à leurs intérêt. Partons de-là. Ces dispositions n'ont par elles-mêmes rien de vicieux, elles deviennent bonnes ou mauvaises par les effets qu'elles produisent.' Duclos, *Considérations sur les Mœurs de ce Siècle* [1751], p. 7.

<sup>48</sup> See Chapter One, 'Malebranche's critique of Hobbes'.

<sup>49</sup> See Chapter One, 'Barbeyrac, Burlamaqui and natural law'.

charges of which Rousseau would have been concerned to avoid.

With this context very briefly sketched out it is worth returning to the distinction between *amour de soi-même* and *amour-propre* that Rousseau first drew in a note to the *Second Discourse*, in which he claimed that the former is ‘a natural sentiment’, whereas the latter ‘is only a relative sentiment, artificial and born in Society’.<sup>50</sup> The note is to a passage where Rousseau criticised Hobbes for (supposedly) holding that man is naturally evil because he had attributed an inflamed variety of *amour-propre* to man’s nature; indeed Rousseau’s own account of natural goodness was set out against both Hobbesian and Augustinian conceptions of man. These conceptions were very similar, as is evident from the ease with which Nicole employed a Hobbesian theory of man and the origins of society to support his Augustinian account of man’s post-lapsarian state.<sup>51</sup> Read in this context, then, Hobbes was criticised in the *Second Discourse* for adhering to an Augustinian account of man and *amour-propre* that Rousseau himself repudiated.<sup>52</sup>

Just as for many neo-Augustinian moralists man’s *amour-propre* was only rendered evil by Original Sin, so too for Rousseau *amour-propre* was only rendered evil by the onset of illegitimate social relations. To the extent that the *Second Discourse* may be read as a secularised account of the specifically Augustinian story of man’s fall,<sup>53</sup> Original Sin is recast in terms of the development of entrenched relations of inequality and the onset of luxury. Yet, for Rousseau, *amour-propre* itself was not a vice, for man’s post-lapsarian state was not a necessary consequence of social relations and if inequality and luxury could be avoided then *amour-propre* could be rendered positive. In *Emile*, which was ‘nothing but a treatise on the original goodness of man,’<sup>54</sup> Rousseau could thus argue that *amour-propre* is naturally neutral.

Rousseau opened his first discussion of *amour-propre* in *Emile* by restating his principle of natural goodness, setting down as ‘an incontestable maxim that the first movements of nature

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<sup>50</sup> Rousseau, *Second Discourse*, CW3:91/ OC3:219. The linguistic distinction was not entirely original to Rousseau and he may well have been influenced by the distinction that Jacques Abbadié emphasised between *amour-propre* and *amour de nous-mêmes*. For Abbadié, *amour de nous-mêmes* was a natural inclination, innocent in itself and of divine origin, whereas *amour-propre* was its corrupt variant, *L’art de se connoître soi-mesme* [1692], especially pp. 102-104, 202-206. This distinction proved influential and occasioned much praise amongst those who were opposed to the neo-Augustinian picture of human nature, such as Vauvenargues, *Connaissance de l’Esprit Humain*, *Œuvres*, vol. I, pp. 227-228. Rosenblatt suggests that Mandeville was an important source for the development of Rousseau’s account of *amour-propre* (*Rousseau and Geneva*, pp. 73-74, 81-82) and it is tempting to compare Mandeville’s distinction between self-liking and self-love with Rousseau’s distinction between *amour-propre* and *amour de soi-même*; see Pocock, *The Machiavellian Moment*, p. 465; Robertson, *The Case for the Enlightenment*, pp. 392-393. Although there are conceptual resemblances, it is well to point out that in the French translation of *The Fable of the Bees* Mandeville’s terminology was actually the inverse of Rousseau’s. Mandeville’s self-liking, which is akin to Rousseau’s *amour-propre*, was translated as ‘*Estime de soi-même*’, whereas Mandeville’s self-love, which is akin to Rousseau’s *amour de soi-même*, was translated as ‘*Amour-propre*’, Mandeville, *La Fable des Abeilles* [1740], vol. 3, p. 179.

<sup>51</sup> More generally on the affinities between Augustinian and Epicurean traditions of thought (with Hobbes usually located in the latter) in the seventeenth and eighteenth centuries see Force, *Self-Interest before Adam Smith*, pp. 48-90; Robertson, *The Case for the Enlightenment*, especially pp. 126-130; Stiker-Métral, *Narcisse contrarié*, pp. 377-400.

<sup>52</sup> The importance of this point is explored more comprehensively below, ‘Of love and fear’.

<sup>53</sup> See Brooke, ‘Rousseau’s Political Philosophy’, pp. 110-112.

<sup>54</sup> Rousseau, *Dialogues*, CW1:213/ OC1:934.

are always right'. He then proceeded to claim that the 'sole passion natural to man is *amour de soi* or *amour-propre* taken in an extended sense.'<sup>55</sup> By its nature, then, *amour-propre* is not opposed to *amour de soi-même*; indeed it is rather an extended form of this natural passion. *Amour de soi-même* is the passion that concerns man with his own preservation and well-being. This is also true of *amour-propre*, the difference being that *amour-propre* only becomes active once man begins to think that his preservation and well-being are dependent on other men; hence *amour de soi-même* concerns man solely with himself, whereas *amour-propre* makes comparisons with other men.<sup>56</sup> In this sense, *amour-propre* is the natural extension of *amour de soi-même* once man becomes a social being, and therefore the passion 'becomes good or bad only by the application made of it and the relations given to it.'<sup>57</sup> The important point to stress presently, however, is simply that by their nature *amour de soi-même* and *amour-propre* are not in contradiction with one another and if these two types of love could remain in harmony then the order or nature could be preserved in the civil state.

### The right type of love

If the depravity that man suffers in modern commercial society is a result of the contradiction between his *amour de soi-même* and *amour-propre*, then an ideal body politic would have to bring these two passions into harmony with one another. Rousseau's most developed account of the psychology of *amour-propre* is to be found in *Emile*, which more generally provides the most comprehensive elucidation of his theory of the passions. Nominally, at least, *Emile* was a treatise on education and similarly Rousseau thought that republican education was necessary to cultivate the right type of love and order men's passions towards virtue. Yet *Emile* was not to be educated in the ideal republic that Rousseau proposed elsewhere, but rather in modern states such as eighteenth-century France where all the contradictions of the social system were rife.

Rousseau distinguished between three types of education: one coming from nature, one from men and one from things. A child could only be raised well when these three types of education are in agreement.<sup>58</sup> However, given the contradictions pervading modern societies, 'their harmony is impossible. Forced to combat nature or the social institutions, one must choose between making a man or a citizen, for one cannot make both at the same time.'<sup>59</sup>

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<sup>55</sup> Rousseau, *Emile*, CW13:225/ OC4:332.

<sup>56</sup> Rousseau, *Emile*, CW13:364/ OC4:495.

<sup>57</sup> Rousseau, *Emile*, CW13:225/ OC4:332. To be sure, Rousseau's position in *Emile* is not quite consistent with his earliest distinction between *amour de soi-même* and *amour-propre* drawn in the *Second Discourse*, where he described them as 'two passions very different in their Nature and their effects', CW3:91/ OC3:219. However, Rousseau was at the time only describing the inflamed form of *amour-propre* (which he associated with Hobbes's account of man) that had developed in opposition to *amour de soi-même*, whereas in *Emile* he offered a more comprehensive psychology of the passions.

<sup>58</sup> Rousseau, *Emile*, CW13:162/ OC4:247.

<sup>59</sup> Rousseau, *Emile*, CW13:163/ OC4:248. It is important to stress that the opposition between the different types of education is a result of the contradictions within modern societies, and thus not all types of education – such as those suitable for republics – are forced to combat either nature or social

Rousseau thus distinguished between domestic and public education, and was only concerned with the former in *Emile*, since his setting was one where public education ‘can no longer exist, because where there is no longer fatherland, there can no longer be citizens.’<sup>60</sup>

From the outset of *Emile*, then, Rousseau made it clear that in modern states a good education was limited by the contradiction between nature and the social institutions, at least one of which Emile’s education would have to oppose. Emile’s education would therefore be incapable of overcoming the contradiction between *amour de soi-même* and *amour-propre*, rather the aim was to delay Emile’s exposure to social relations for as long as possible in order to prevent *amour-propre* from becoming inflamed.<sup>61</sup> Even though Rousseau did not propose an education of the citizen in *Emile*, there are nevertheless affinities with the public education that he recommended for states like Poland and Corsica. In both cases education should be negative; since man is naturally good it suffices if education simply prevents the vices from developing.<sup>62</sup> More generally, the theory of the passions developed in *Emile* proves instructive for understanding how republican institutions could order citizens’ passions and cultivate the right type of love.

One potential problem with examining Rousseau’s theory of the passions is that he was not entirely consistent in distinguishing between sentiments and passions. Most notably, he sometimes referred to *amour de soi-même* as man’s most natural sentiment and sometimes as a passion. In *Emile* Rousseau often (although not exclusively) referred to passions as only arising with developed social relations,<sup>63</sup> thus he claimed that *amour-propre* is ‘the first and most natural of all the passions’.<sup>64</sup> This need not prove too much of a problem, however, once it is remembered that *amour-propre* is only an extended form of *amour de soi-même*.<sup>65</sup> Indeed sentiments and passions are very closely related; the main distinction is that when Rousseau wrote about their corruption he usually referred to the effect on the passions rather than on the sentiments. Yet the passions could remain in conformity with the order of nature to the extent that they did not oppose man’s natural *amour de soi-même*, from which they all derived:

The source of our passions, the origin and the principle of all the others, the only one born with man and which never leaves him so long as he lives is *amour de soi* – a primitive, innate passion, which is anterior to every other, and of which all others are in a sense only

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institutions. This point is frequently overlooked, which has important implications for the way that nature and citizenship are understood in Rousseau’s thought. For example see Cooper, *Rousseau, Nature and the Problem of the Good Life*, pp. 49-50, and the discussion of his position below.

<sup>60</sup> Rousseau, *Emile*, CW13:165/ OC4:250. Although public education is not a possibility in *Emile*, domestic and public education need not be opposed. In his *Considerations on Poland*, Rousseau allowed parents to bring up children themselves providing that domestic education was confined to instruction and children still participated in public games, CW11:181/ OC3:968.

<sup>61</sup> For extended analysis of Emile’s domestic education as a remedy for the problem of *amour-propre* see Neuhauser, *Rousseau’s Theodicy of Self-Love*, pp. 171-183.

<sup>62</sup> Rousseau, *Considerations on Poland*, CW11:181/ OC3:968; *Emile*, CW13:226/ OC4:323.

<sup>63</sup> For example, Rousseau quite remarkably claimed that when the adult Emile fell in love with Sophie (having not been affected by any social passions previously in his education) it was ‘his first passion of any kind.’ *Emile*, CW13:600/ OC4:778.

<sup>64</sup> Rousseau, *Emile*, CW13:359/ OC4:488.

<sup>65</sup> Rousseau, *Emile*, CW13:225/ OC4:332.



modifications. In this sense, if you wish, all passions are natural... *amour de soi-même* is always good and always in conformity with order.<sup>66</sup>

Given the close relationship between *amour de soi-même* and *amour-propre*, it is not all that surprising that Rousseau alternated between using the two terms in *Emile* to indicate how the passions could be cultivated in political society. For example, Rousseau claimed that ‘Love of men derived from *amour de soi* is the principle of human justice’,<sup>67</sup> and also that we should ‘extend *amour-propre* to other beings. We shall transform it into a virtue, and there is no man’s heart in which this virtue does not have its root.’<sup>68</sup> In a well-ordered republic man’s *amour-propre*, as a natural extension of his *amour de soi-même*, could be channelled towards political virtue. The possibility of doing so, however, was only fully explored in the political writings where Rousseau examined the role of public education in forming citizens.

Rousseau considered that public education is ‘one of the fundamental maxims of popular or legitimate government.’<sup>69</sup> The role of education was nothing less than that of forming the souls of citizens from childhood

so that they will be patriots by inclination, by passion, by necessity. Upon opening up its eyes a child ought to see the fatherland and until death ought to see nothing but it. Every true republican imbibes the love of the fatherland, he lives only for it; as soon as he is alone, he is nothing: as soon as he has no more fatherland, he no longer is, and if he is not dead, he is worse than dead.<sup>70</sup>

Although this passage is to be found in one of Rousseau’s last political works, written around 1771-1772, it is consistent with the ideas on republican education that he had developed as early as 1755,<sup>71</sup> when he wrote that if citizens

are trained early enough never to consider their persons except as related to the body of the State, and not to perceive their own existence, so to speak, except as part of the state’s, they will eventually come to identify themselves in some way with this larger whole; to feel themselves to be members of the fatherland; to love it with that delicate feeling that any isolated man feels only for himself; to elevate their soul perpetually towards this great object; and thereby to transform into a sublime virtue this dangerous disposition from which all our vices arise.<sup>72</sup>

Rousseau argued in *Emile* that a child only begins to think of himself as an individual through

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<sup>66</sup> Rousseau, *Emile*, CW13:363/ OC4:491.

<sup>67</sup> Rousseau, *Emile*, CW13:389/ OC4:522-523.

<sup>68</sup> Rousseau, *Emile*, CW13:409/ OC4:547.

<sup>69</sup> Rousseau, *Political Economy*, CW3:156/ OC3:260-261.

<sup>70</sup> Rousseau, *Considerations on Poland*, CW11:179/ OC3:966.

<sup>71</sup> It is important to stress the consistency across Rousseau’s works in order to dispel the idea that these passages can simply be dismissed as ‘rhapsody’ or ‘Rousseau’s own exaggerations’, as does Cohen, *Rousseau*, pp. 35-36.

<sup>72</sup> Rousseau, *Political Economy*, CW3:155/ OC3:259-260.

the development of his memory, by which he ‘extends the sentiment of identity to all the moments of his existence’.<sup>73</sup> If, however, the earliest sentiments that the child experiences are associated with the fatherland, then he may come to identify his whole existence with the fatherland and consider his life to be inseparable from it. A child’s identity is formed by the development of his memory and imagination, and education has the power to affect this development to the extent that a child may come to identify himself either as a solitary individual or as a part of a larger whole. Education serves to order the passions by way of the imagination as even though the ‘source of all the passions is sensibility; imagination determines their bent’.<sup>74</sup> In this way public education could denature man in much the same way that the legislator is supposed to in the *Social Contract*, by transforming the individual into a citizen so that ‘each individual believes himself no longer one but a part of the unity and no longer feels except within the whole’.<sup>75</sup>

To preserve political virtue citizens would have to love the fatherland with the same love that isolated individuals feel only for themselves. In this sense man’s natural *amour de soi-même* could be extended – or generalised – to the larger moral self constituted by the body politic.<sup>76</sup> *Amour de soi-même* would thereby be transformed into love of fatherland, as instead of citizens having the perception of themselves as individual selves, they would associate their self only with the larger body of the republic.<sup>77</sup>

Rousseau’s public education aimed to inculcate love of fatherland in children from the earliest possible age, for which it was also necessary to cultivate their *amour-propre*. Where the domestic education proposed in *Emile* had been centred on delaying the onset of *amour-propre*, the public education that Rousseau advocated for republics involved activating children’s *amour-propre* in order to accustom them ‘to living under the eyes of their fellow citizens and to desiring public approval’.<sup>78</sup> Even in adulthood this ‘patriotic intoxication’ would only be sustained if ‘all Citizens feel themselves incessantly under the public’s eyes... [and] depend so much on public esteem, that no one can do anything, acquire anything, [or] succeed in anything without it’.<sup>79</sup> In addition to being a generalised form of *amour de soi-même*, then, love of fatherland would also be derived from man’s *amour-propre*.<sup>80</sup> In his *Plan for a Constitution of*

<sup>73</sup> Rousseau, *Emile*, CW13:208-209/ OC4:301.

<sup>74</sup> Rousseau, *Emile*, CW13:370/ OC4:501. The importance of the role of the imagination throughout Rousseau’s thought is most comprehensively explored by Maguire, *The Conversion of Imagination*.

<sup>75</sup> Rousseau, *Emile*, CW13:161/ OC4:249; *Social Contract*, CW4:155/ OC3:381.

<sup>76</sup> The role of pity is also important here, since it is ‘the first relative sentiment which touches the human heart’ and transports us outside of ourselves to identity with others, *Emile*, CW13:375/ OC4:505. Pity is thus comparable to *amour-propre* as they are both extended forms of *amour de soi-même*. Pity, however, is more primitive as it simply entails identifying with the pain of others as if one suffered from the pain oneself, whereas *amour-propre* entails recognising that one’s own well-being is dependent on making comparisons with others.

<sup>77</sup> This point is well brought out by Gauthier, *Rousseau*, pp. 58-66.

<sup>78</sup> Rousseau, *Considerations on Poland*, CW11:181/ OC3:968.

<sup>79</sup> Rousseau, *Considerations on Poland*, CW11:222/ OC3:1019.

<sup>80</sup> On this point see Trachtenberg, who is (as far as I am aware) the only commentator to have recognised that Rousseau’s conception of civic virtue relied on cultivating both *amour de soi-même* and *amour-*

*Corsica* Rousseau drew a distinction between pride and vanity, these being ‘the two branches of *amour-propre*.’ Where vanity is based only on false prejudices, pride is more natural as ‘it consists in esteeming oneself based on truly estimable goods’. Moreover, where vanity concerns individuals solely with themselves, the object of pride can be general. To make citizens active and laborious, governments need to appeal to their pride – the positive branch of *amour-propre* – by providing them with ‘great desires, great hopes, [and] great positive motives for acting.’<sup>81</sup>

The object of citizens’ pride should be the glory of the fatherland, yet for this ‘to be kept incessantly before their eyes’ it is important to attach rewards and honours to virtuous acts,<sup>82</sup> so that ‘public testimony of a man’s virtue is the sweetest prize he can receive for it’.<sup>83</sup> Love of fatherland would thus be derived from citizens’ *amour-propre*, as every citizen would esteem and approve of those who acted virtuously. If all of the citizens loved virtue then any individual citizen would be sure to satisfy his own *amour-propre* by acting virtuously.

In a well-ordered republic virtue could be cultivated by generalising man’s *amour de soi-même* and channelling man’s *amour-propre* through love of fatherland. In doing so, the contradiction between the citizens’ *amour de soi-même* and their *amour-propre* would be overcome, as both passions would be directed towards the same object. Indeed if the social law could be placed at the bottom of men’s hearts then they would be ‘Civil men by their nature and Citizens by their inclinations, they will be united, they will be good, they will be happy, and their felicity will be the Republic’s.’<sup>84</sup> What is more, it is not only the contradiction between *amour de soi-même* and *amour-propre* that would be transcended in the ideal republic but also that between the private will and the general will.<sup>85</sup> According to Rousseau, ‘virtue is only the conformity of the private will to the general’, and where love of fatherland flourishes ‘we willingly want what is wanted by the people we love.’<sup>86</sup> To the extent that citizens perceive of themselves as being only a fractional part of the larger unity constituted by the body politic, they will come to perceive of their own interest as being inextricably bound up with the interest of the republic and a citizen would never willingly contravene the general will if he loved the fatherland as he loved himself.

Public education, so essential to the survival of the republic, would thus continue the work that the legislator was charged with commencing at the origin of societies, that of denaturing the individual. Denaturing, for Rousseau, was a process of transforming man’s

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*propre*, *Making Citizens*, pp. 131-143.

<sup>81</sup> Rousseau, *Plan for a Constitution for Corsica*, CW11:153-154/ OC3:937-938. Rousseau was asked to write the *Plan* in 1764.

<sup>82</sup> Rousseau, *Considerations on Poland*, CW11:176/ OC3:192.

<sup>83</sup> Rousseau, *Political Fragments*, CW4:35/ OC3:501.

<sup>84</sup> Rousseau, *Political Fragments*, CW4:41/ OC3:510-511. See also Shklar, who is one of the few scholars to recognise that ‘an undivided self is the mark of the citizen... [who] finds that his duty is also his inclination.’ *Men and Citizens*, p. 182.

<sup>85</sup> See Chapter Three, ‘Freedom preserved’, for the importance of this contradiction.

<sup>86</sup> Rousseau, *Political Economy*, CW3:149-151/ OC3:252-254. On political virtue as reconciliation of will see also Riley, *Will and Political Legitimacy*, p. 113.

existence from a solitary individual into a citizen whose identity is only a fractional part of the larger unity constituted by the body politic. The denaturing of man, then, should be understood as the transformation within man from the perspective of the particular to that of the general. This idea is most famously articulated in the concept of the general will as a generalised form of man's individual will, yet it is not only man's will but also the object of his passions that are generalised in the body politic. Man is naturally good and social institutions have the potential to either corrupt this goodness, as shown in the *Second Discourse*, or to generalise it in the body politic by cultivating the virtuous citizen.

Even though the transformation of men into citizens would require a process of denaturing, the life of the citizen would, paradoxically, be in conformity with nature as a normative standard. The citizen would be free from the contradictions that cause human misery and regain the ordered and harmonious existence that Rousseau thought had been lost in modern commercial societies. The idea that any form of social life could be in conformity with nature is one that many Rousseau scholars would resist, however, the present line of interpretation has been comprehensively pursued by Laurence D. Cooper. Cooper quite rightly argues that the main polarity in Rousseau's thought is not between nature and society (or artifice), but rather between living in accordance with nature or in contradiction with nature. Yet Cooper still finds that although nature and society are compatible, 'Nature and citizenship are roads that do not meet.' For Cooper, the citizen does not live in accordance with nature, even if his soul is well-ordered in a kind of correspondence with nature.<sup>87</sup>

According to Cooper, whatever preserves *amour de soi-même* 'is natural in the civil state',<sup>88</sup> and although he recognises that rightly ordered *amour-propre* is essential in the republic, he argues that civic virtue is not in conformity with nature as it is a species of *amour-propre*, which is opposed to *amour de soi-même*.<sup>89</sup> Cooper's interpretation of the role of nature in Rousseau's thought is one of the most nuanced in the literature; however, it nonetheless presupposes the permanency of the very contradiction that Rousseau sought to obviate. The reason that the citizen's life is in accordance with nature as a normative standard – even by Cooper's own criteria – is that he does not suffer from the contradiction between his *amour de soi-même* and *amour-propre*; rather *amour de soi-même* is preserved in the civil state by being generalised.

The claim that Rousseau sought to overcome the contradiction between *amour de soi-même* and *amour-propre* is further supported by keeping the Augustinian context in mind, where man's love was only innocent in his pre-lapsarian state and where corrupt *amour-propre* is the dominant passion of man's post-lapsarian state. Rousseau, however, aimed to show that as man is naturally good there need not be any contradiction or disorder between his *amour de soi-même* and *amour-propre*. This contradiction only arises when man is corrupted by social

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<sup>87</sup> Cooper, *Rousseau, Nature and the Problem of the Good Life*, pp. 48-50.

<sup>88</sup> Cooper, *Rousseau, Nature and the Problem of the Good Life*, p. 67.

<sup>89</sup> Cooper, *Rousseau, Nature and the Problem of the Good Life*, pp. 52, 106-107, 124.

institutions, but republican institutions could instead cultivate the right type of love by ordering both these passions towards love of fatherland. Indeed to the extent that Rousseau's republicanism was concerned with cultivating the right type of love, it may be described as a form of Augustinian republicanism.

The association of republican virtue with a variety of love was by no means unique to Rousseau. For example, Montesquieu famously defined political virtue as love of fatherland and the laws, which in a republic requires a continuous preference for the public interest over any private interest.<sup>90</sup> Moreover, he argued that the most powerful republics were those where the laws were observed 'not through reason, but through passion',<sup>91</sup> and that amongst the Romans *amour de soi-même*, love of one's family and love of fatherland were indistinguishable.<sup>92</sup> More generally, thinkers such as Charles de Saint-Evremond and Henri d'Aguesseau had suggested that love of fatherland could be a species of *amour-propre*.<sup>93</sup> However, none of these thinkers provided the comprehensive account of the development of the passions in general, and of *amour-propre* in particular, that is to be found in Rousseau's thought, which directly challenged the Augustinian association of *amour-propre* with vice.

The idea that any thinker could advance a form of republicanism in part developed from an Augustinian tradition may seem somewhat paradoxical. These two traditions – republican and Augustinian – would appear to be firmly opposed to one another, given Augustine's concern with the heavenly city of God over the earthly city of men. Indeed Rousseau had even averred that Christianity and republicanism are incompatible, arguing that the former's focus on spiritual matters detracts from the latter's focus on preserving love of fatherland.<sup>94</sup> However, by repudiating Original Sin the earthly body politic need not be one occupied only by sinful, post-lapsarian men. For Rousseau, there was no need to transcend the mortal life for the right type of love to prevail, as this could be realised in the republican polity. Or, to put in Augustinian terms, by insisting on man's natural goodness Rousseau elided the bifurcation between the city of men and the city of God, and instead proposed the city of the virtuous citizen where the right type of love is love of fatherland.

### **Free will and virtue**

In an ideal republic citizens would enjoy a harmonious existence free from the contradictions of the social system that cause human misery. Their *amour de soi-même* and *amour-propre* would be ordered towards love of fatherland and their private and general wills would be in agreement. Man is naturally good and if his nature could be generalised by republican institutions before it

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<sup>90</sup> Montesquieu, *Spirit of the Laws*, IV.5, p. 36; V.2, pp. 42-43.

<sup>91</sup> Montesquieu, *Considerations on the Romans* [1734], pp. 45-46.

<sup>92</sup> Montesquieu, *Considerations on the Romans*, p. 28.

<sup>93</sup> See Keohane, *Philosophy and the State in France*, pp. 229-237, 423.

<sup>94</sup> Rousseau, *Social Contract*, CW4:220/ OC3:466.

is corrupted by the onset of luxury and inequality then the life of the citizen would remain in accordance with nature as a normative standard. However, the public education proposed for republics may seem inimical to nature in another respect, for Rousseau also insisted on the importance of man's inalienable gifts of nature, his life and his freedom. Even if man's life is secured in the republic, it may appear that the institutions requisite for cultivating virtue are opposed to the emphasis that Rousseau placed on man's free will being an inalienable gift of nature. This charge is more frequently levelled at the domestic education outlined in *Emile*, which is worth considering in order to evaluate the extent to which it also applies to Rousseau's proposals regarding public education.

A recurring criticism of *Emile* is that the child's freedom was only ever illusory, hence Jean Starobinski argued that 'Emile feels free but really is not... [He] is caught in a sophisticated trap.'<sup>95</sup> Similarly, it has recently been concluded that 'Emile's childhood establishes the illusion of freedom as an appropriate substitute for actual freedom',<sup>96</sup> and it has long been maintained that Rousseau was content only with the appearance and not the reality of free will.<sup>97</sup> There are a number of passages that are sometimes cited in support of this claim, the most forceful of which is where Rousseau advised Emile's governor to

Let him always believe he is the master, and let it always be you who are. There is no subjection so perfect as that which keeps the appearance of freedom. Thus the will itself is made captive... Doubtless he ought to do only what he wants; but he ought to want only what you want him to do.<sup>98</sup>

Taken in isolation this certainly seems to support the conclusion that Emile's freedom was only ever illusory, yet the passage appears less conclusive once it is set in its wider context. The passage describes the 'opposite route' to most educations where 'the master commands and believes he governs', and it was only this opposite route that Rousseau insisted would leave Emile 'master of his will'. The development of the human will from infancy is one of the central themes of *Emile*, since no man is born with a fully developed adult will. This development is shaped by education, which can either come from nature, things, men, or a combination of the three.<sup>99</sup> For Rousseau, then, education was by its very nature a process of will-formation and the problem was simply that of how such will-formation could be in accordance with freedom. According to Rousseau, man's unhappiness consists 'in the disproportion between our desires and our faculties.' To make man happy and well-ordered thus entailed 'diminishing the excess of the desires over the faculties and putting power and will in perfect equality.'<sup>100</sup> From this followed Rousseau's 'fundamental maxim', which states that the 'truly free man wants only

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<sup>95</sup> Starobinski, *Transparency and Obstruction*, p. 216.

<sup>96</sup> Brown, 'The constraints of liberty', p. 161.

<sup>97</sup> Charvet, *The Social Problem in Rousseau*, p. 59.

<sup>98</sup> Rousseau, *Emile*, CW13:257-258/ OC4:362-363.

<sup>99</sup> Rousseau, *Emile*, CW13:162/ OC4:247.

<sup>100</sup> Rousseau, *Emile*, CW13:211/ OC4:303-304.

what he can do and does what he pleases.<sup>101</sup>

To realise this ideal of freedom it would be necessary to order Emile's surroundings in such a way as to ensure that his desires would not surpass his power and that his will would not be opposed to the wills of other men. Emile's education would therefore necessarily entail directing his will towards certain objects or goals, for which Rousseau considered that two different routes could be pursued. One route would involve the governor directly opposing and correcting Emile's will whenever it errs, whereas the other would involve the governor setting the conditions in order that Emile's will does not err, or so that when it does Emile is able to correct it himself. Rousseau thought that only the latter of these options was compatible with freedom; indeed he claimed that this 'well-regulated freedom' was the only appropriate instrument for Emile's education.<sup>102</sup>

Rousseau argued that this education was 'well-regulated freedom' because Emile would only ever be dependent on nature or things and never on the will of other men; dependence on men being the only type of dependence incompatible with freedom.<sup>103</sup> To this it might be objected that Emile was never really free because his freedom was orchestrated and his 'education never came from things, it came from prearranged things.'<sup>104</sup> Similarly, it might be thought that the only difference between Emile and the character of Jean-Jacques in the *Dialogues* is that Emile feels himself to be free and his own master, whereas Jean-Jacques feels himself to be enslaved, but in both cases their freedom (or lack thereof) is arranged by others.<sup>105</sup> These observations are accurate up to a point. However, they ultimately prove unsatisfactory as they fail to do justice to Rousseau's understanding of freedom. More specifically, the criticism that Rousseau abandoned man's freedom relies on misunderstanding his conception of free will.

The reason that Emile would remain free despite the role of the governor is that his will would never be in opposition to the will of any other men, and if it were to be then Emile's will would have to prevail. For Rousseau, it was precisely the opposition between human wills that restricts human freedom. If the governor was to adopt the opposite method of education and correct Emile's will when it erred then Emile would constantly feel himself to be dependent on the governor's will and thus not free. Instead, Emile's governor goes to great lengths to ensure that there is never any opposition between his will and Emile's, as any such conflict between their wills would diminish Emile's freedom. Emile would thus think of his freedom as only ever being bound by necessity and not the will of other men, including that of his governor. Indeed, to the extent that Emile realises that his governor has orchestrated the choices with which he is faced, he remains free to choose either way without being dependent on the governor's will.<sup>106</sup>

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<sup>101</sup> Rousseau, *Emile*, CW13:215/ OC4:309.

<sup>102</sup> Rousseau, *Emile*, CW13:224/ OC4:321.

<sup>103</sup> Rousseau, *Emile*, CW13:216-217/ OC4:311.

<sup>104</sup> Simon, 'Natural Freedom and Moral Autonomy', p. 35.

<sup>105</sup> Gauthier, *Rousseau*, pp. 39-41.

<sup>106</sup> It is important to point out that Emile sometimes becomes aware that the governor orchestrates the conditions under which he chooses, such as when the governor sets different paths of unequal length and

To be sure, the formation of Emile's will depends on his experiences, yet he is no less free because those experiences are planned.<sup>107</sup> Emile always retains the sentiment of free will as all his actions are performed willingly and his will is never in opposition to – or its determination perceived as being dependent on – the will of any other man. The sentiment or consciousness of man's freedom rests in being able to choose and not being dependent on the will of another man when making that choice; it does not entail being free to determine the circumstances and conditions under which such choices are to be made.

The domestic education that Rousseau proposed for Emile thus required a process of will-formation and the same was also true of public education, for to make the laws beloved it would be necessary to have recourse to the 'most absolute authority... which penetrates to the inner man and is exerted no less on his will than on his actions.'<sup>108</sup> The role of the legislator in forming the will of citizens is analogous to the role of the governor in *Emile*,<sup>109</sup> and the criticism that Emile does not understand the true basis of his supposed freedom may also be extended to the citizens of a well-ordered republic.<sup>110</sup> Yet the citizen remains free in precisely the same manner that Emile does, since his actions are consciously willed even if the formation of his will has largely been shaped by the social environment in which he has been brought up. Moreover, to the extent that the citizen wills generally, his will never comes into contradiction with anyone else's and he is never dependent on any will other than his own.<sup>111</sup>

In the *Social Contract* Rousseau defined moral freedom as 'obedience to the law one has prescribed for oneself',<sup>112</sup> and it is tempting to read him as developing a strongly autonomous notion of freedom as self-mastery and self-legislation.<sup>113</sup> However, for Rousseau, man's free will only entailed consciously resisting, acquiescing in, or choosing between his inclinations, and these inclinations were in turn determined by his passions or sentiments. The role of the legislator and social institutions in cultivating men's passions thus suggests that Rousseau's understanding of free will was consistent with a high level of socially determined will-formation, providing that citizens always retain the conscious judgement of acquiescing in or resisting their inclinations, for it is in this judgement that the consciousness of one's freedom is manifest.

Rousseau's understanding of freedom, then, was not one closely bound up with a strongly autonomous idea of self-determination or self-mastery; a point worth stressing in order to dispel the proto-Kantian readings of his thought. This is all the more significant given that amongst the commentators who have emphasised the importance of free will for Rousseau,

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difficulty that Emile can choose to follow in a race, *Emile*, CW13:284/ OC4:395-396.

<sup>107</sup> This is a variation of a point made by Simpson regarding the role of the legislator, *Rousseau's Theory of Freedom*, p. 67.

<sup>108</sup> Rousseau, *Political Economy*, CW3:148/ OC3:251.

<sup>109</sup> O'Hagan, *Rousseau*, p. 24.

<sup>110</sup> Gauthier, *Rousseau*, p. 67.

<sup>111</sup> Rousseau, *Social Contract*, CW4:150/ OC3:375.

<sup>112</sup> Rousseau, *Social Contract*, CW4:142/ OC3:365.

<sup>113</sup> Levine, *The Politics of Autonomy*, pp. 57-58.



many have read the concept in proto-Kantian terms and associated freedom too closely with a strong notion of autonomy.<sup>114</sup> For example, Patrick Riley identifies the problems that Rousseau supposedly faced throughout his work by attempting ‘to retain will as a source of right while seeking to control or sometimes even obliterate it... through a process of socialization and education that lessens the autonomy of individuals.’<sup>115</sup> This is only a problem, however, if stressing the moral significance of free will necessarily entails a commitment to an understanding of autonomy that is opposed to a process of socialisation that largely shapes men’s wills by way of their passions. This may have been Kant’s position but it was not Rousseau’s.

The proto-Kantian reading of free will and autonomy extends to the idea of virtue, thus Timothy O’Hagan finds in Rousseau’s thought a tension between a naturalistic pole and a deontological pole, where the latter is characterised by a Kantian struggle between duty and inclination such that ‘the realm of virtue... is always ‘a state of war’.’<sup>116</sup> There are two interrelated polarities that are often presupposed by the Kantian reading of virtue: the struggle between duty and inclination and the struggle between reason and the passions.<sup>117</sup> The first opposition, between duty and inclination, may be briefly examined presently, before considering the relationship between reason and the passions in the following section.

The idea that Rousseau’s understanding of virtue entailed the triumph of duty over inclination is not confined to those who have read him through Kantian lenses. For example, Montesquieu famously claimed that political virtue required ‘renunciation of oneself, which is always a very painful thing’,<sup>118</sup> and this idea of civic virtue as self-renunciation has in turn been attributed to Rousseau.<sup>119</sup> More generally, a number of commentators have interpreted virtue as the victory of duty over inclination, which has led to the conclusion that the life of virtue is not in accordance with nature.<sup>120</sup> The proto-Kantian readings of virtue are not without some textual support. Rousseau associated virtue with strength or a strong will,<sup>121</sup> and at times employed the Kantian language of duty winning out against inclination, especially in his late autobiographical

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<sup>114</sup> For Kant, an autonomous will, in contrast to a heterogeneous will, does not rest upon interests or inclinations but is rather a law to itself independent of the objects of its volition, *Groundwork* [1785], Section II, pp. 40-41, 47-48.

<sup>115</sup> Riley, *Will and Political Legitimacy*, p. 17.

<sup>116</sup> See O’Hagan *Rousseau*, p. 245. For criticism of this reading see Douglass, ‘Free Will and Evil in Rousseau’, pp. 649-652; what follows is a revised version of the argument developed there.

<sup>117</sup> To be sure, these were not really two separate polarities in Kant’s thought since he held that ‘all moral concepts have their seat and origin completely a priori in reason,’ *Groundwork*, II, p. 23. As it was man’s duty to act in accordance with the maxims of reason then reason and duty could be associated together in contradistinction to the passions or inclinations. Indeed Kant defined passion as ‘lasting inclination’ in the *Metaphysics of Morals* [1797], ‘Introduction to the Doctrine of Virtue’, section XVI, p. 166.

<sup>118</sup> Montesquieu, *Spirit of the Laws*, IV.5, p. 35.

<sup>119</sup> Cullen, *Freedom in Rousseau’s Political Philosophy*, p. 101.

<sup>120</sup> Most notably Melzer, *Natural Goodness of Man*, p. 101; Cooper, *Rousseau, Nature and the Problem of the Good Life*, pp. 106-107, 124; Cohen, *Rousseau*, pp. 122-123.

<sup>121</sup> Rousseau, *Emile*, CW13:633-634/ OC4:817-818; *Letter to Franquières*, CW8:267/ OC 4:1143. C.f. Kant, *Metaphysics of Morals*, ‘Introduction to the Doctrine of Virtue’, I, IX, pp. 146, 156.

works.<sup>122</sup> Yet these instances all occur in writings where the person in question suffers from all the contradictions of the social system, which are rife in modern commercial societies. In societies where the common good is placed in constant opposition to one's private interest and where deceit and fabrication prove advantageous, the virtuous man would have to suppress his own inclinations and passions to advance the general interest.<sup>123</sup> In such cases virtue would certainly involve the triumph of duty over inclination, yet Rousseau's discussion of virtue was not confined to these cases.<sup>124</sup> In a well-ordered body politic a citizen's duty would also be his inclination, since the opposition between the individual and society would have been overcome. Rousseau frequently associated virtue with the preference for the general will,<sup>125</sup> yet only in corrupt societies did this require the suppression of conflicting desires and inclinations. In a well-ordered republic, by contrast, the general will would also be each citizen's private will and the realm of virtue would cease to be a state of war.

Virtue certainly required the right use of man's freedom; indeed it was only by giving man free will that God gave him 'the right to virtue.'<sup>126</sup> Virtue thus entailed consciously willing the public good or the general will, yet this would not prove particularly challenging for citizens brought up in a well-ordered republic. The virtue of the citizen does not correspond to a strongly autonomous sense of self-mastery, since it would be less the individual citizen than the social institutions in which he is raised that master his will.<sup>127</sup> For Rousseau, social institutions and education always have an effect on forming the will of men; this was simply a fact of social relations, which was not necessarily incompatible with the possibility of free will and virtue. If the social institutions were those of a well-ordered republic then citizens would freely acquiesce in the life of virtue, motivated to do so by both duty and inclination.<sup>128</sup> Free from the contradictions of the social system their life would be in accordance with nature, for not only would they enjoy an ordered existence but their inalienable gifts of nature – their life and their

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<sup>122</sup> The greatest support for this reading is to be found in Rousseau's *Dialogues*, *CW*1:10-11, 126-127, 148/ *OC*1:670, 823-824, 851.

<sup>123</sup> Rousseau, however, thought that such virtue was hard to achieve in corrupt societies, thus his own 'great maxim of morality', by contrast, was simply 'to avoid situations that put our duties in opposition with our interests, and which show us our good in the harm of someone else', *Confessions*, *CW*5:47/ *OC*1:56.

<sup>124</sup> It could thus quite plausibly be argued that Rousseau employed two different conceptions of virtue throughout his works: one involving duty winning out over inclinations or passions; and the other equating virtue with love of fatherland (the citizen's dominant passion). The important point to stress presently, however, is that the virtue of the citizen living in a well-ordered republic would be the latter, non-Kantian, understanding of virtue.

<sup>125</sup> For Rousseau's most explicit statement to this effect see the passage from *Political Economy* (cited previously): 'virtue is only the conformity of the private will to the general', *CW*3:149/ *OC*3:252.

<sup>126</sup> Rousseau, *Emile*, *CW*13:442-443/ *OC*4:587.

<sup>127</sup> To be sure, in the *Social Contract* Rousseau did claim that moral freedom 'makes man truly the master of himself' (*CW*4:142/ *OC*3:365). However, the mastery only entailed 'obedience to the law one has prescribed for oneself', that is, mastery in *following* one's will and not mastery in *forming* that will in the first place.

<sup>128</sup> On this point see Kaufman, who rightly points out that, for Rousseau, moral freedom is not incompatible with acting from inclination, but only from acting from inclination *alone*, 'Conceptions of Freedom in Rousseau and Kant', pp. 33-35. See also Simpson, who discusses the problems with a proto-Kantian reading of Rousseau's account of moral freedom, *Rousseau's Theory of Freedom*, pp. 103-108.

freedom – would also be preserved.

### **Reason and the passions**

If republican institutions could cultivate the citizens' passions then virtue would not require the triumph of duty over inclination, for both would be ordered towards love of fatherland. The idea that virtue presupposes a conflict between duty and inclination is often associated with another conflict between reason and the passions, where duty involves acting from right reason and inclination is determined by the sway of the passions. This position is plausibly attributed to Kant, who held that the pure thought of the moral law determined by reason alone has 'an influence on the human heart so much more powerful than all other incentives, which may be summoned from the empirical field, that reason, in the consciousness of its dignity, despises the latter and can gradually become their master'.<sup>129</sup> The notion that reason can master all other incentives – in this case, passions and inclinations – certainly lies behind some of the proto-Kantian readings of Rousseau. Most notably, in his seminal study of the intellectual relationship between the two thinkers, Ernst Cassirer wrote that Rousseau 'ended up with the most resolute belief in reason', which he passed on to Kant.<sup>130</sup>

The idea that man's reason and passions are in a constant struggle with one another by no means originated with Kant, however, and would have been familiar to Rousseau. For example, Pascal wrote that man's post-lapsarian state is characterised by the 'Internal war in human beings between reason and passions... So they are always divided and in contradiction with themselves'.<sup>131</sup> More generally, the notion that the goal of reason was to overcome the passions was often associated with Stoicism, especially by neo-Augustinian moralists who sought to attack this position. It is thus well to return to this context and the challenges levelled at Stoicism in order to elucidate Rousseau's understanding of the relationship between reason and the passions.

In some respects it is tempting to view Rousseau's thought from a Stoic perspective, especially given the emphasis that has hitherto been placed on man living a harmonious, ordered existence, in accordance with nature. Yet to the extent that Rousseau's political theory was Stoic it was far from conventional, thus one commentator has described it as 'a strikingly original piece of secular Augustinian Stoicism'.<sup>132</sup> The most comprehensive account of Rousseau's Stoicism remains that provided by Kennedy Roche, who maintains that the 'Stoic identification

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<sup>129</sup> Kant, *Groundwork*, II, pp. 22-23; *Metaphysics of Morals*, 'Introduction to the Doctrine of Virtue', XV-XVI, p. 166.

<sup>130</sup> Cassirer, *The Question of Jean-Jacques Rousseau*, p. 82.

<sup>131</sup> Pascal, *Pensées*, 514, p. 123; see also *pensée* 29, p. 9.

<sup>132</sup> Brooke, 'Rousseau's Political Philosophy', p. 116. See also Brooke's revised account of his interpretation of Rousseau's relationship with Stoicism, 'Rousseau's *Second Discourse*', especially pp. 48-53.

is: God, Nature and Reason. This seems to be Rousseau's also.<sup>133</sup> However, this claim seems hard to sustain given that in the *Second Discourse* Rousseau argued that for natural law to be natural at all its precepts must be known 'anterior to reason' by reflecting on the 'first and simplest operations of the human Soul'. According to Rousseau, reason is only later forced to re-establish the principles of natural right 'upon other foundations when, by its successive developments, it has succeeded in stifling Nature.'<sup>134</sup>

Rousseau did not think that reason and nature could simply be equated and, similarly, he did not adhere to a Stoic understanding of the relationship between reason and the passions (or at least to the interpretation of this relationship that was often attributed to Stoicism at the time). Seneca famously claimed that 'reason is not a slave to the senses but a ruler over them... Virtue is nothing else than right reason',<sup>135</sup> and Stoic virtue was often interpreted – especially in the Augustinian tradition – as entailing the eradication of men's passions by the right use of reason. Augustine had argued that the passions have to 'be moderated and bridled and turned to righteous use'; an argument that he set out explicitly against the Stoics who, he claimed, always count passions as vices, even those like compassion,<sup>136</sup> which it is well to remember was the 'sole Natural virtue' according to Rousseau.<sup>137</sup> The Augustinian critique of Stoicism was prevalent amongst the French moralists of the seventeenth century, and typical here was the opening discourse of Senault's *Of the Usage of Passions*, entitled 'Apology for the Passions against the Stoics', in which he asserted that the Stoics held that one cannot be passionate without being criminal.<sup>138</sup> This criticism remained prominent well into the eighteenth century, with thinkers such as Vauvenargues arguing that so far from our passions being disorders of the soul, as suggested by the Stoics, they are rather 'the whole foundation and the whole substance of our soul.'<sup>139</sup> Similarly, Rousseau averred that annihilating the passions would be contrary to the order of nature:

Our passions are the principal instruments of our preservation. It is, therefore, an enterprise as vain as it is ridiculous to want to destroy them – it is to control nature, it is to reform the work of God. If God were to tell men to annihilate the passions which he gives him, God would will and not will; he would contradict himself.<sup>140</sup>

The passions in themselves are not evil, thus it is not the role of reason to overcome them; to

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<sup>133</sup> Roche, *Rousseau: Stoic and Romantic*, p. 73.

<sup>134</sup> Rousseau, *Second Discourse*, CW3:14-15/ OC3:125. C.f. *Emile*, CW13:388-389/ OC4:522-523, and Rousseau's argument that we 'did not begin by reasoning but by feeling', *Essay on Languages*, CW7:293/ OC5:380; *Moral Letters*, CW12:196/ OC4:1109.

<sup>135</sup> Seneca, *Epistulae Morales*, 60.32, vol. II, p. 23; see also Cicero, *Tusculan Disputations*, 4.34, p. 363.

<sup>136</sup> Augustine, *City of God*, IX.5, pp. 365-366. C.f. Cicero, *Tusculan Disputations*, 4.18, p. 347.

<sup>137</sup> Rousseau, *Second Discourse*, CW3:36/ OC3:154.

<sup>138</sup> Senault, *De l'Usage des Passions*, pp. 1-9.

<sup>139</sup> 'Nos passions... sont tout le fondement et toute la substance de notre âme.' Vauvenargues, *Connaissance de l'Esprit Humain*, Œuvres, I, p. 239.

<sup>140</sup> Rousseau, *Emile*, CW13:362/ OC4:490-491.

this extent Rousseau concurred with the Augustinian critique of Stoicism.<sup>141</sup> The role of reason was rather one of ordering the passions that we do have, for the problem was not that reason and the passions were in conflict with one another but rather that certain passions may conflict with other passions and in such cases one ‘has a hold on the passions only by means of the passions.’<sup>142</sup> This interpretation is borne out by briefly considering the place that Rousseau accorded to reason in his theory of knowledge and of the will.

Rousseau accepted the Lockean critique of innate ideas and similarly thought that all of man’s knowledge is derived from his sensations.<sup>143</sup> However, Rousseau deemed that his contemporaries had taken Locke too far and was particularly concerned to refute those such as Helvétius who (unlike Locke) reduced reason and judgement to mere sensation.<sup>144</sup> Instead, Rousseau argued that whereas man’s sensations are purely passive, his perceptions and ideas are formed by an ‘active principle which judges.’<sup>145</sup> This principle is human reason, which is simply the faculty of comparing sensations among themselves, so that reason is nothing other than judgement.<sup>146</sup>

By insisting on the distinction between passive sensations and active judgement, Rousseau aimed to refute the reductive materialism of Helvétius, which left no place for free will. Rousseau did not deny that man’s will is largely determined by his education, surroundings and the sensations he receives from external stimuli. However, he also insisted that man’s actions can be guided by an active principle that judges and, most importantly, this active judgement is not simply reducible to the passive sensations that man receives from his senses. It has already been stressed that, for Rousseau, man’s free will only entailed consciously resisting, acquiescing in, or choosing between his inclinations. To this may now be added that this conscious willing renders man an active being, as opposed to passive beings that act from instinct or responses to external stimuli alone. In this respect man’s freedom is related to his reason, since it is only by choosing or judging that man is free. Yet this is not to say that reason operates abstractly, without being influenced by sensations caused by external stimuli, for the object of reason or judgement is always some sensation or inclination.

Even if the distinction between sensations and judgement served Rousseau’s account of free will well, the Lockean rejection of innate ideas posed further challenges. Malebranche, for example, had objected to the empiricism of Hobbes and Locke on the grounds that it would lead to the most dangerous Pyrrhonism due to the fallibility of any knowledge derived from the

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<sup>141</sup> It thus seems problematical to argue, with Force, that Rousseau offered a Stoic account of virtue against Epicurean accounts of self-interest, *Self-Interest before Adam Smith*, pp. 63-67. For criticism of Force’s reading see also Brooke, ‘Rousseau’s *Second Discourse*’, pp. 47-49. As is so often the case, Rousseau resists being categorised in such a neat bifurcation.

<sup>142</sup> Rousseau, *Emile*, CW13:497/ OC4:654.

<sup>143</sup> Rousseau, *Emile*, CW13:193, 264, 430/ OC4:284, 370, 571.

<sup>144</sup> Rousseau, *Notes on Helvétius’s On the Mind*, CW12:205-206/ OC4:1122-1123.

<sup>145</sup> Rousseau, *Emile*, CW13:243/ OC4:344.

<sup>146</sup> Rousseau, *Emile*, CW13:301, 357/ OC4:417, 486.

senses.<sup>147</sup> Rousseau, however, sought to evade the moral implications of empiricism by denying that man's knowledge of good and evil is derived from either his senses or his reason alone. Instead, Rousseau insisted that man has conscience, which is 'an innate principle of justice and virtue' that resides in the depths of man's soul. Rousseau claimed that the 'acts of conscience are not judgements but sentiments',<sup>148</sup> and it is by way of this interior voice – distinct from both reason and sensation – that nature speaks to man and allows him to know God's law. For Rousseau, then, the challenge that empiricism posed to morality when taken to its sceptical extreme was not to be met by appealing to either innate ideas or abstract reason, but rather by invoking conscience, which is an innate feeling or sentiment. If this sentiment could be made active through the will then conscience could guide man's judgment and the possibility of morality and virtue would remain. Indeed, Rousseau's theodicy entailed that God had given man 'reason to discern what is good, conscience to love it, and freedom to choose it.'<sup>149</sup>

Rousseau equated conscience with love of order, but order could only be attained through the right use of man's reason or judgement, thus conscience and reason would have to work together.<sup>150</sup> Rousseau defined reason as 'the faculty of ordering all the faculties of our soul suitably to the nature of things and their relations with us', and in this comprised 'the whole of human wisdom in the use of the passions'.<sup>151</sup> Reason could not operate independently of man's passions or sentiments, since the role of reason is only that of ordering the passions in accordance with nature and it is only by the activity of the passions that man's reason is perfected.<sup>152</sup> In this respect Rousseau may be viewed as having held an instrumental understanding of reason, since reason could not determine its own ends independently of man's passions and sentiments.<sup>153</sup> The right use of reason could serve to order the passions in accordance with nature, whereas the misuse of reason could result in conflicting passions rendering man's life miserable. Strictly speaking, however, reason and the passions could not be opposed to one another, thus reason could never master or overcome the passions. It is important to stress this point in order to dispel the Stoic and proto-Kantian readings of Rousseau, where virtue entails the triumph of reason over the passions or inclinations.

It is often thought that 'Kant is the best interpreter of Rousseau',<sup>154</sup> yet the differences between the two thinkers are arguably far more important than the similarities. Most importantly, Rousseau did not share Kant's faith in reason. This may be partly explained by showing that Rousseau and Kant did not share the same understanding of reason.<sup>155</sup> For Rousseau, reason and

<sup>147</sup> See Chapter One, 'Malebranche's critique of Hobbes'.

<sup>148</sup> Rousseau, *Emile*, CW13:451-453/ OC4:598-600.

<sup>149</sup> Rousseau, *Julie*, CW6:561/ OC2:683; *Letter to Beaumont*, CW9:28/ OC4:936; *Emile*, CW13:453/ OC4:600.

<sup>150</sup> Rousseau, *Emile*, CW13:196/ OC4:288.

<sup>151</sup> Rousseau, *Moral Letters*, CW12:182/ OC4:1090; *Emile*, CW13:370/ OC4:501.

<sup>152</sup> Rousseau, *Second Discourse*, CW3:27/ OC4:143; *Political Fragments*, CW4:70/ OC4:554.

<sup>153</sup> See Kaufman, 'Conceptions of Freedom in Rousseau and Kant', pp. 38-40.

<sup>154</sup> Rawls, *Lectures*, p. 200.

<sup>155</sup> On this point see also Maguire, *The Conversion of Imagination*, pp. 95-98.

the passions were not two opposing sources that could determine man's will, and, as such, a free and virtuous will could not be one motivated purely out of respect for a law given by reason alone. Rousseau thought that man's will was largely shaped by his passions and inclinations, yet, providing that man retained his active judgement – that is, the consciousness of acquiescing in, resisting or choosing between his inclinations – he would remain free. There is, however, also a second and equally important sense in which Rousseau did not share Kant's faith in reason. Rousseau had little faith in the ability of men to use their reason to order their passions themselves and instead thought that men's actions could only be guided by appealing directly to their passions, a point which carries important consequences for the way that he thought about politics.

The problem that pervaded modern commercial societies, according to Rousseau, was that man had been rendered in constant contradiction with both himself and others in society. Not only were the various passions of individual men internally contradictory, but the passions of society as a whole were equally opposed to each other and without order. Only in an ideal republic could order be retained by cultivating the citizens' passions, which is why Rousseau held that the problem of politics was as much one of speaking to men's hearts as it was one of formulating principles of political right. This is well attested by considering his criticisms of the political works of the Abbé de Saint-Pierre, which Rousseau deemed superficial precisely because Saint-Pierre had adopted 'that false principle of perfected reason', which led him to think 'that men were led by their enlightenment rather than by their passions.' Consequently, he 'worked only for imaginary beings while thinking that he was working for his contemporaries.'<sup>156</sup>

In contrast to Saint-Pierre, Rousseau thought that politics had to work with man's passions, as reason alone is inactive and 'it is only passion which makes us act.'<sup>157</sup> It was not the development of public reason, then, but rather the cultivation of the passions that would lead to a well-ordered republic. One of the problems within modern societies was that the very language of politics was inadequate for this purpose, as over time it had become 'more precise and less passionate' so that 'it no longer speaks to the heart but to reason.'<sup>158</sup> For Rousseau, the idea that citizens could become attached to political society by an appeal to their reason was a fallacy that rested on the 'false principle of perfected reason'. Reason does not motivate men, thus to form citizens it would be necessary to make 'the language of the mind pass through the heart, so that it may make itself understood.'<sup>159</sup>

Rousseau famously sought to unite 'what right permits with what interest prescribes',<sup>160</sup> but to show men their interest in being just it was not enough to enlighten their reason. In a

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<sup>156</sup> Rousseau, *Confessions*, CW5:354-355/ OC1:422.

<sup>157</sup> Rousseau, *Emile*, CW13:331/ OC4:453.

<sup>158</sup> Rousseau, *Essay on Languages*, CW7:296/ OC5:384.

<sup>159</sup> Rousseau, *Emile*, CW13:492/ OC4:648.

<sup>160</sup> Rousseau, *Social Contract*, CW4:131/ OC3:351.

well-ordered republic it would be the role of the government, the legislator and public education to cultivate love of fatherland in order to preserve the unity of the body politic. For Rousseau, politics was about appealing to the hearts of citizens by way of their passions and the passion to be reckoned upon, was love.

### **Hobbes and fear**

The reading of Rousseau advanced throughout this chapter may initially seem quite unrelated to Hobbes. Although Rousseau first formulated his distinction between *amour de soi-même* and *amour-propre* in opposition to Hobbes, there is little evidence to suggest that his theory of the passions was influenced by Hobbes any further. Yet there are at least two interrelated respects in which it is of particular interest to view Hobbes's and Rousseau's theories of the passions in juxtaposition to one another. The first is the extent to which they both thought that the passions had to be ordered in political society to sustain political unity, and the second, considered in the following section, is the extent to which their accounts of man's nature shaped the possibilities available for ordering the passions.

A further preliminary reason why it is worthwhile to compare Hobbes's and Rousseau's theories is that they shared a similar understanding of the relationship between reason and the passions. To be sure, Hobbes sometimes employed language implying that reason and the passions were in conflict with one another, such as in *De Cive* where he wrote that 'within the commonwealth is the empire of reason', whereas the state of nature is 'the empire of the passions'.<sup>161</sup> Bernard Gert has even argued – against those who read Hobbes as a forerunner of David Hume – that Hobbes thought that reason has its own ends and thus his 'view is diametrically opposed to that of Hume.'<sup>162</sup> Given the interpretation of Rousseau that has been advanced thus far, it might be inferred that if this is true then Hobbes's view was also diametrically opposed to Rousseau's.

Gert is right to argue that the laws of nature, as dictates of right reason, have self-preservation as their end, since self-preservation is the foundation of natural right, from which Hobbes derived the first natural law of seeking peace where peace can be had. However, to claim that self-preservation is an end with which reason is concerned is not the same as claiming that self-preservation is an end *given* by reason alone, which would have to be the case to support the opposition with Hume's position. In both the *Elements* and *De Cive*, Hobbes argued that as the 'necessity of nature' makes men desire that which is good for themselves and avoid that which is hurtful then it is not against reason for man to do everything that he can to

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<sup>161</sup> Hobbes, *De Cive*, X.1, *Cam.*116/ *Par.*195.

<sup>162</sup> Gert, *Hobbes*, pp. 48-53. Gert reads Hobbes as adhering to an Aristotelian conception of reason, although it has also been recently argued, along similar lines, that reason generates an obligatory force for Hobbes that anticipates Kant's theory of the autonomy of morals, see Rogers, 'Hobbes, Sovereignty and Consent', pp. 247-248.



preserve himself. The right of nature, therefore, stipulates ‘that every man may preserve his own life and limbs with all the power he hath.’<sup>163</sup> Hobbes thus arrived at self-preservation being the right of nature by examining the desires (or passions) that man has by the ‘necessity of nature’.

Hobbes defined reason in terms of reckoning or, somewhat abstractly, as the adding and subtracting of the consequences of names or definitions. Scientific knowledge is derived deductively from definitions; thus the ‘Use and End of Reason’ is to begin at ‘first definitions, and settled significations of names... and proceed from one consequence to another.’<sup>164</sup> Hobbes claimed to be developing a science of politics which proceeded from an account of man and he defined man, or at least the voluntary motions of man, in terms of the passions (which, in turn, are determined by the imagination).<sup>165</sup> The consequences (or conclusions) that Hobbes derived from his account of man included the right of self-preservation, but this consequence, although arrived at by reason, was deduced from his account of man’s passions. The right of self-preservation, then, was not an end given by reason alone but rather a deduction from the account of the passions. Moreover, Hobbes thought that certain passions could never be eradicated from man, a point he stressed in the introduction to *Leviathan* where he wrote of the ‘similitude of *Passions*, which are the same in all men,’ namely desire, fear and hope.<sup>166</sup> These passions could never be overcome by reason, but they could be ordered towards certain objects in such a way that peace might be secured.

It thus seems problematical to maintain, with Gert, that Hobbes’s and Hume’s views were diametrically opposed to one another. Although attention is often focused on his famous claim that ‘Reason is, and ought only to be the slave of the passions,’ Hume’s argument was set out against thinkers who ‘talk of the combat of passion and of reason’. Contesting this view, Hume argued that a passion could only be unreasonable in the sense that it is ‘founded on false suppositions’ or ‘chooses means insufficient for the end’, but in such cases it is really the judgement and not the passion that is unreasonable. Indeed reason still has a great influence over man’s volition or will since the ‘moment we perceive the falsehood of any supposition, or the insufficiency of any means our passions yield to our reason without any opposition.’<sup>167</sup> Hume’s argument was not that reason was passive in determining man’s volition, but only that as reason cannot determine its own ends without an antecedent passion or impulse, reason and passion could never strictly speaking be in combat with one another. In this respect, at least, Hume’s position resembled Hobbes’s quite closely.<sup>168</sup>

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<sup>163</sup> Hobbes, *Elements*, XIV.6, pp. 78-79; *De Cive*, I.7, *Cam.27/ Par.96*. In *Leviathan* the formulation of the right of nature is more or less the same, but Hobbes presented it simply as an axiomatic truth, p. 91.

<sup>164</sup> Hobbes, *Leviathan*, pp. 32-33.

<sup>165</sup> In the *Elements* Hobbes claimed that man’s passions are ‘the beginning of all his voluntary motions’, V.14, p. 39. Hobbes later argued that ‘the Imagination is the first internal beginning of all Voluntary Motion’ and that it is the role of the imagination that defines voluntary motion in contradistinction to vital motion, *Leviathan*, pp. 37-38. The difference, however, is only one of emphasis, since Hobbes consistently maintained that men’s passions are determined by their imagination.

<sup>166</sup> Hobbes, *Leviathan*, p. 10.

<sup>167</sup> Hume, *Treatise of Human Nature* [1739-40], ii.iii.iii, pp. 265-267.

<sup>168</sup> Indeed it has been argued that Hobbes accomplished a ‘theoretical revolution’ by linking the two

Hume's famous account of the relationship between reason and the passions in fact bears strong resemblances to the positions developed by both Hobbes and Rousseau, at least to the extent that they all thought that reason and the passions could not be in conflict with one another. What is more, the theme of ordering men's passions to create unity in the body politic was arguably just as important for Hobbes as it was for Rousseau.

For Hobbes, the state of nature was one where the passions of men were in disorder, thus war reigned, whereas in the commonwealth the reign of reason could bring order to the passions. In this sense the laws of nature may be well understood as the dictates of right reason that would order men's passions towards peace, much as Hobbes indicated in *Leviathan*:

The passions that encline men to Peace, are Feare of Death; Desire of such things as are necessary to commodious living; and a Hope by their industry to obtain them. And Reason suggesteth convenient Articles of Peace, upon which men may be drawn to agreement. These Articles, are they, which otherwise are called the Lawes of Nature<sup>169</sup>

Although Hobbes appealed to man's fear, desire and hope, it is the former of these passions that proved most prominent in his account of the generation and preservation of the commonwealth, since men will not live together in peace and follow the laws of nature 'unless compelled to do so by a common fear.'<sup>170</sup> According to Hobbes, sovereignty could be generated by either institution or acquisition, the only difference being that 'men who choose their Sovereign, do it for fear of one another, and not of him who they Institute'.<sup>171</sup> In each case, however, men are moved to covenant by the fear of death from remaining in the state of nature with either other men or an existing sovereign. Much of Hobbes's political thought was set out to demonstrate, first, that covenants entered into out of fear are legitimate,<sup>172</sup> and, second, that the perpetual fear of death and the state of nature should lead all men to consent to the sovereign's power.<sup>173</sup> The problem, then, was that of ordering fear towards its rightful object, which could only be achieved by affecting man's imagination and thereby determining his passions.

Hobbes famously stated that the 'Passion to be reckoned upon, is Fear', yet he was concerned that the object of men's fear was too often 'the power of spirits invisible',<sup>174</sup> which moved men to sedition and civil disobedience:

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terms – reason and passion – that were traditionally regarded as opposites, and that in doing so he proved to be a 'radical precursor' of Hume, see Coli, 'Hobbes's Revolution', pp. 82-83. More generally, for critical analysis of those who have read Hobbes in proto-Humean terms see Blau, 'Wrong Writings About Right Reason', to which – even in disagreement – the present analysis is much indebted.

<sup>169</sup> Hobbes, *Leviathan*, p. 90.

<sup>170</sup> Hobbes, *De Cive*, V.4, *Cam.*70/ *Par.*141.

<sup>171</sup> Hobbes, *Leviathan*, p. 138.

<sup>172</sup> Hobbes, *Leviathan*, p. 98.

<sup>173</sup> There is of course the further question here of how it can be maintained that members of an existing commonwealth have actually covenanted or contracted. Without discussing the problem in detail presently it is worth noting that Hobbes employed the concept of silent consent in the *Elements*, XIII.11, p. 77; implied consent in *De Cive*, XIV.12, *Cam.*159/ *Par.*249; contract by inference in *Leviathan*, pp. 94, 484-486; and defended himself on the point against Bramhall in *Liberty, Necessity, and Chance*, *EW*5:180.

<sup>174</sup> Hobbes, *Leviathan*, p. 99.

If this superstitious fear of Spirits were taken away, and with it, Prognostiques from Dreams, false Prophecies, and many other things depending thereon, by which, crafty ambitious persons abuse the simple people, men would be much more fitted than they are for civil Obedience.<sup>175</sup>

One of the central aims of Hobbes's political works was to show men that they ought to be moved to obedience by fear of death, since this is the most rational object of fear for individuals concerned with their self-preservation. To achieve this Hobbes had to dispel the idea that there is anything greater to be feared than the immanent and violent death that should be expected in the state of nature. The last two books of *Leviathan* were thus largely concerned with effacing the pervasive religious imagery from the minds of men, which Hobbes thought had led men to disobey the civil sovereign 'and sometimes to Destroy a Commonwealth', since 'the fear of Darknesse, and Ghosts, is greater than other fears'.<sup>176</sup> For example, Hobbes's interpretation of scripture aimed to refute the idea of everlasting suffering in a lake of fire and other heathen ideas of Hell, in order to reduce the fear of eternal torment to nothing more than fear of a second death.<sup>177</sup> In doing so, Hobbes sought to show men that the fear of suffering in this life was far greater than that in the next life, a purpose which his great adversary Bishop Bramhall surmised well when he wrote that Hobbes 'hath killed the great infernal Devil, and all his black angels, and left no devils to be feared, but devils incarnate, that is, wicked men.'<sup>178</sup>

Richard Tuck has argued that a central purpose of Hobbes's eschatology was to relieve men of fear, and has even extended this idea to the whole of Hobbes's philosophy.<sup>179</sup> Whilst Tuck's reading of Hobbes's eschatology is certainly informative, it is less clear that Hobbes thought that fear could ever be completely overcome.<sup>180</sup> Rather Hobbes sought to re-orientate men's fear towards the state of nature, the fear of returning to which should pervade the imagination of men the moment they entertain notions of disobedience or rebellion. Indeed Hobbes's account of the state of nature is presented in such a way that, if accepted, would lead to the realisation that there is nothing more miserable than living without civil laws. The state of nature should prove the most prominent object of men's fear and such fear would ensure that men obey the sovereign, thereby securing peace.

According to Hobbes, then, the commonwealth could only be preserved if man's fear was rightly ordered, for fear is the passion above all else that ensures that men keep their covenants and obey the laws. Yet fear is not the only passion that Hobbes thought remained in

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<sup>175</sup> Hobbes, *Leviathan*, p. 19.

<sup>176</sup> Hobbes, *Leviathan*, p. 227. Elsewhere Hobbes argued that one of the principal causes of the English civil war was that men feared the power of the clergy over salvation more than death itself, *Behemoth*, pp. 14-15.

<sup>177</sup> Hobbes, *Leviathan*, pp. 314-315.

<sup>178</sup> Bramhall cited in Hobbes, *An Answer to Bishop Bramhall's Book, called "The Catching of the Leviathan"* [1682], *EW4*:356.

<sup>179</sup> Tuck, 'The Civil Religion of Thomas Hobbes', pp. 131-132.

<sup>180</sup> Indeed Hobbes claimed that 'Life it selfe is but Motion, and can never be without Desire, nor without Feare, no more than without Sense.' *Leviathan*, p. 46.

all men; he also included desire and hope amongst the similitude of the passions. Although less prominent in his account of how peace could be sustained, Hobbes recognised the importance of ordering these passions towards their rightful object as well. For example, in *De Cive* Hobbes wrote that ‘Ambition and longing for honours cannot be removed from men’s minds, and sovereigns have no duty to attempt to do so’; rather sovereigns need to direct men’s ambition with rewards and punishments towards obedience.<sup>181</sup> Nonetheless, Hobbes did think that if a commonwealth was generated along the lines he proposed there could be a radical transformation in the way that the passions move men, a point that is well illustrated by considering the law of nature forbidding pride.

Hobbes compared the sovereign to the ‘great power of *Leviathan*’ from the book of Job, who is ‘*King of all the children of pride*’,<sup>182</sup> and there is some justification for thinking that pride was the central problem of human life for Hobbes.<sup>183</sup> Hobbes defined pride as glory disliked.<sup>184</sup> Glory is one of the three principal causes of war, which makes men invade ‘for Reputation’, since ‘every man looketh that his companion should value him, at the same rate he sets upon himselfe’.<sup>185</sup> Pride involves having an exaggerated opinion of one’s own power or worth, thus in *Leviathan* Hobbes equated pride with ‘great *vaine-Glory*’.<sup>186</sup> In generating the commonwealth pride could be overcome providing that all men realised that they were equal under the sovereign. It was therefore crucial that natural equality be acknowledged by all men, and pride was the name given to the breach of this precept.<sup>187</sup>

For Hobbes, the acknowledgment of equality was imperative for developing humility and the practice of modesty amongst men, which would be necessary to ensure the stability of the commonwealth.<sup>188</sup> Hobbes insisted that pride could never be made lawful and, as with many of the laws of nature, the law commanding the recognition of equality amongst men was set out in opposition to one of the passions that lead men to war. Where the laws of nature forbid ingratitude, injustice, pride and iniquity, which always lead to war, they command the moral virtues of justice, gratitude, modesty, equity and mercy, the practice of which always preserves life and ensures peace.<sup>189</sup>

Given the emphasis placed on eradicating passions like pride from the commonwealth,

<sup>181</sup> Hobbes, *De Cive*, XIII.12, *Cam.*148-149/ *Par.*235-236.

<sup>182</sup> Hobbes, *Leviathan*, p. 221. On Hobbes’s use of pride in the Biblical sense of refusing to be subordinate to authority, see Martinich, *The Two Gods of Leviathan*, pp. 49-50.

<sup>183</sup> Mitchell, *Not by Reason Alone*, pp. 50-54.

<sup>184</sup> See the *Elements*, where Hobbes claimed that the passion of glory, ‘by them who it displeaseth, is called pride’, IX.1, p. 50.

<sup>185</sup> Hobbes, *Leviathan*, p. 88. On the changing role of glory in Hobbes’s different accounts of the state of nature see Slomp, ‘Hobbes on Glory and Civil Strife’.

<sup>186</sup> Hobbes, *Leviathan*, p. 54

<sup>187</sup> The importance of the law of equality (against pride) is most prominent in the *Elements*, where it is the first of the ‘Other Laws of Nature’ that Hobbes considered, XVII.1, p. 93. In *De Cive* it is the eight precept of natural law, III.13, *Cam.*49-50/ *Par.*120, whereas it is the ninth law of nature in *Leviathan*, p. 107.

<sup>188</sup> See Cooper, ‘Vainglory, Modesty, and Political Agency’, pp. 250-258.

<sup>189</sup> Hobbes, *Leviathan*, pp. 110-111.

some commentators have argued that Hobbes ‘was in effect proposing nothing less than a transformation of the human psyche’,<sup>190</sup> or that he thought his civil philosophy would lead to ‘deep features of human nature [being] transformed’.<sup>191</sup> Such transformation could only occur by reforming education, thus Hobbes advised the sovereign to have *Leviathan* taught in the universities, since ‘the Instruction of the people, dependeth wholly, on the right teaching of Youth in the Universities’.<sup>192</sup> To understand *Leviathan* would be to understand that the practice of the laws of nature – when assured that others would also practice them – is the only way to secure peace and thus rationally in accordance with the desire for self-preservation that all men have by natural necessity. In this sense, performance of the moral virtues would be in accordance with an individual’s enlightened self-preservation. There is, then, good reason to see Hobbes’s project as one of correcting the epistemic foundations of the passions that otherwise lead to war.<sup>193</sup> Yet this project involved an appeal directly to the passions of men by way of their imagination. Hobbes was largely concerned with directing men’s fear towards its rightful object, and the lessons of political education would have to include teaching people why they ought constantly to fear returning to the state of nature.<sup>194</sup> Indeed, the preservation of the commonwealth depended on appealing to men’s fear above all else, for it would always remain the case that the passion that ‘enclineth men least to break the Lawes, is Fear.’<sup>195</sup>

For Hobbes, just as for Rousseau, the necessity for political institutions arose due to the disorder of men’s passions, which brings men into conflict with one another. The generation of the commonwealth would involve ordering men’s passions towards peace and even if this did not involve men ceasing to think of themselves as individuals (as it did for Rousseau),<sup>196</sup> it did involve mitigating the passions associated with the unbridled individualism of the state of nature. For Hobbes, the unity of the body politic could only be preserved providing that men realise that their own preservation is inextricably bound up with the preservation of the commonwealth. The ordering of the passions in political society thus primarily involved ensuring that the fear of breaking the law and returning to the state of nature was men’s dominant passion. Both Hobbes and Rousseau thought that an appeal to the passions was necessary for the preservation of political society; for Hobbes, this required ordering man’s fear towards its rightful object, whereas for Rousseau it was man’s love that had to be well-ordered.

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<sup>190</sup> Johnston, *The Rhetoric of Leviathan*, p. 188.

<sup>191</sup> Tuck, ‘Utopias’, *Lectures*, p. 8.

<sup>192</sup> Hobbes, *Leviathan*, p. 237.

<sup>193</sup> See especially Tuck, who argues along these lines to show how the negative passions would be eliminated in Hobbes’s utopian vision, ‘Utopias’, *Lectures*.

<sup>194</sup> See Vaughan, *Behemoth Teaches Leviathan*, pp. 57-62.

<sup>195</sup> Hobbes, *Leviathan*, p. 206.

<sup>196</sup> Although see Stanton, who argues that Hobbes thought that the generation of the commonwealth involved individuals ‘ceasing to think of themselves as individuals at all, and acting accordingly’, ‘Hobbes and Schmitt’, pp. 165-166.

## Of love and fear

The main purpose of this chapter has been to build on the interpretation of Rousseau that has been advanced throughout the thesis in order to elucidate the precise relationship between free will, nature and the passions, which otherwise might seem problematical and has troubled many scholars. In part, this has rested on dispelling the proto-Kantian readings of freedom, virtue and reason that many commentators have attributed to Rousseau. Yet it has also been important to draw attention to the Augustinian context in order to appreciate the centrality of the problem of cultivating the right type of love in Rousseau's political thought. For Rousseau, the right type of love involved generalising man's natural *amour de soi-même* to the level of the body politic and channelling man's socially acquired *amour-propre* through love of fatherland, thereby overcoming the contradiction between these two types of love that otherwise causes human misery. By insisting on man's natural goodness and repudiating the notion that *amour-propre* is always sinful, Rousseau elided the necessary antithesis between the earthly city of men and the heavenly city of God and instead argued that the right type of love could prevail in a well-ordered republic. To this extent, somewhat paradoxically, Rousseau may well be viewed as having developed a peculiar form of Augustinian republicanism.

It is important to keep the Augustinian context in mind precisely because it speaks to one of the most fundamental distinctions between Hobbes and Rousseau and serves to reveal how their accounts of the nature of man shaped the very possibilities available for their political theories. It is well to remember that Rousseau's account of man's natural goodness was set out against both Augustinian and Hobbesian accounts of man's nature. This is not to say that Hobbes intended to present an Augustinian conception of man's nature, but only that his depiction of man in the state of nature in many respects resembled the Augustinian account of man's post-lapsarian state. Hobbes, of course, thought that the 'Desires, and other Passions of man, are in themselves no Sin',<sup>197</sup> whereas the Augustinian theory assumed that such disordered passions characterised man's sinful nature and lost innocence. Rousseau, however, appears to have read Hobbes as adhering to an Augustinian conception of man's nature, which is why he warned against concluding with Hobbes that man is naturally evil. Although Hobbes in fact denied that man is naturally evil, he presented precisely the post-lapsarian account of man's passions that Rousseau's principle of natural goodness was intended to refute.

The resemblances between Hobbesian and Augustinian accounts of man are of historical as well as philosophical interest, since some of Hobbes's ideas were adopted by prominent neo-Augustinian thinkers in the late seventeenth century, most notably Pierre Nicole, who is well viewed as having proposed an Augustinian interpretation of Hobbes's philosophy.<sup>198</sup> To recall, Nicole alluded to Hobbes's depiction of the state of nature in support of his account of

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<sup>197</sup> Hobbes, *Leviathan*, p. 89.

<sup>198</sup> Stiker-Métral, *Narcisse contrarié*, pp. 202-205.

man's post-lapsarian state and insisted that the order of society is disturbed by men's unruly passions. Peace could only be secured if such passions were regulated, for which it was necessary to enlighten men's *amour-propre* by showing them their interest in obeying the civil laws and practising the moral virtues. Indeed at his most Hobbesian, Nicole averred that the 'fear of death is thus the first bond of civil society, and the first brake on *amour-propre*'.<sup>199</sup> The reason to keep the Augustinian context in mind, then, is due to the extent to which Hobbesian ideas were adopted and incorporated into the Augustinian tradition of French moral philosophy towards the end of the seventeenth century; a tradition in which Rousseau was well versed.

In many respects Hobbes and Rousseau were in agreement about the type of problems that political society had to overcome; problems brought about by the development of the passions associated with unbridled individualism. Moreover, they both thought that it was not enough to advance principles of political right that appealed only to man's reason; rather the passions must be cultivated in order to attach men to the body politic and preserve its unity. Yet they differed regarding their diagnoses of the greatest threats to the unity of the body politic. For Hobbes, the central problem was that individuals took themselves to be judges of right and wrong and mistakenly thought that they should be able to influence the government and hold the sovereign to account. For Rousseau, by contrast, the problem was that individuals were insufficiently engaged with their civic activities, lacking virtue or love of fatherland and thus becoming disengaged with the republic. Consequently, the two thinkers were in marked disagreement over the question of to which passions politics should appeal, and, just as importantly, Rousseau's rejection of man's post-lapsarian state resulted in him eschewing an appeal to the same passion that had been all important for Hobbes.

The passion to which Hobbes's political philosophy appealed, above all else, was man's fear. It is worth noting that by the middle of the eighteenth century it would have been particularly controversial to emphasise the importance of this passion in preserving political society given that Montesquieu had famously claimed that fear is the principle of despotic governments.<sup>200</sup> Although Rousseau did not deny that fear could be an appropriate instrument for governing men in some instances, he thought its use was only restrictive and would fail to excite men; its purpose 'is not to lead people to do good but to keep them from doing evil.'<sup>201</sup> Where this may have served Hobbes's purposes well, it would not suffice for Rousseau.

For Hobbes, just as for Nicole later, fear could serve to enlighten man's *amour-propre* and counter its worst consequences by restraining man's pride and vain-glory. Although for Hobbes the goal of lasting peace should never be undervalued, for Hobbesian thinkers like Nicole peace was only the best that could be hoped for given man's post-lapsarian state in

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<sup>199</sup> 'La crainte de la mort est donc le premier lien de la société civile, et le premier frein de l'amour-propre'. Nicole, 'De la Charité et de l'amour-propre', *Œuvres*, p. 181. More generally see Chapter One, 'Nicole, Bayle and the moral-political emphasis'.

<sup>200</sup> Montesquieu, *Spirit of the Laws*, III.9, pp. 28-29.

<sup>201</sup> Rousseau, *Constitution for Corsica*, *CW*11:153/ *OC*3:937.

which the right type of love could not prevail to bind society together. In this respect, the Hobbesian approach to politics was viewed as a second best solution for societies occupied by post-lapsarian men. It has been said of Pufendorf that his morality was that of the fallen man,<sup>202</sup> and, on Nicole's and Rousseau's readings at least, the same could be said of Hobbes. The question of whether fear or love should guide men in civil life thus largely turned on whether man's natural condition was one of pre-lapsarian original goodness or a post-lapsarian state of war.

If man was naturally good then the aim of political society would not be to restrain man's inflamed individualistic passions, but rather to channel his passions towards love of fatherland before they are corrupted. This entailed cultivating man's *amour-propre* by focusing his pride on the attainment of political virtue. Where for Hobbes and neo-Augustinian thinkers man's pride was one of the central problems of human life and the cause of man's miserable condition, for Rousseau it was the positive branch of *amour-propre* that could support a well-ordered republic. What is more, according to Rousseau, *amour-propre* itself was not a sinful passion and, rightly cultivated, could lead to genuine virtue. If political society could be based on the pre-lapsarian passions then man's love could be ordered into the republic; his natural *amour de soi-même* and socially acquired *amour-propre* into harmony with one another by directing both towards love of fatherland.

These distinctions serve to emphasise just how much rested on the contrasting accounts of the state of nature and the nature of man presented by Hobbes and Rousseau, and why the question of whether or not man is naturally good was of such great significance for Rousseau. Only post-lapsarian men need to be governed by fear, whereas naturally good men may be governed by love. To be sure, Rousseau was well aware of the potential for social relations and institutions to corrupt man's passions, thereby rendering man evil. In his secularised genealogy of man, then, Original Sin was replaced by the onset of luxury and the entrenched relations of inequality that permeate modern commercial societies. This point cannot be understated, since Rousseau's republican vision was only suitable for naturally good men who were yet to feel the full force of modern social and economic conditions. For this very reason his political vision could only ever be of limited application, a point that ought to be kept in mind for those who want to draw lessons from Rousseau's political theory for modern times. It is with these implications of Rousseau's thought for contemporary political philosophy generally, and modern republicanism more specifically, that the following chapter is concerned.

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<sup>202</sup> Saastamoinen, *The Morality of the Fallen Man*.



## Republican Challenges

*There are things that are possible in one age, but no longer remain so in another.  
This truth is often neglected, and never without danger.*<sup>1</sup>

Few thinkers have suffered as much at the hands of history as Rousseau. The crimes to which his thought is purported to have given rise include the Terror of the French Revolution, Nazism and twentieth-century totalitarianism.<sup>2</sup> These allegations are largely based on the ways in which his ideas have been (mis-)appropriated by subsequent thinkers, whilst neglecting Rousseau's own abhorrence of tyranny and the importance he accorded to checks against the abuses of power.<sup>3</sup> Conversely, Rousseau is now more frequently read as an important thinker for modern liberals. This probably owes much to the influential work of John Rawls, who did not hesitate to acknowledge Rousseau as a major inspiration for some of his own ideas; most notably, that his conception of public reason was originally contained in Rousseau's notion of the general will.<sup>4</sup> More recently, contemporary theorists have turned to Rousseau to ground accounts of liberal loyalty and egalitarian democracy.<sup>5</sup> Yet as the totalitarian readings of Rousseau neglect his concern with checking the abuses of power, so too his liberal readers frequently overlook aspects of his thought that might give them cause for concern.

Rousseau was neither a liberal nor a totalitarian; he was a republican, perhaps more explicitly so than any other major thinker between Machiavelli and the French Revolution. Indeed Rousseau insisted that every 'legitimate Government is republican'.<sup>6</sup> In the last chapter it was argued that Rousseau's republican vision was only suitable for naturally good men, yet to be corrupted by the onset of luxury and entrenched relations of inequality that permeate modern states. The present chapter supports this interpretation by examining Rousseau's republicanism in more detail.

This chapter serves to complete the reading of Rousseau's political thought advanced throughout the thesis and turns to address the more general question of whether or not it could serve as inspiration for contemporary political theorists. This question is not only pertinent with respect to the renewed emphasis that liberals, following Rawls, have placed on Rousseau, but

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<sup>1</sup> Constant, *The Spirit of Conquest and Usurpation and their Relation to European Civilization* [1814], *PW*, pp. 178-179.

<sup>2</sup> For the French Revolution see most famously Constant, 'The Liberty of the Ancients Compared with that of the Moderns' [1819], *PW*, pp. 318-320. According to Bertrand Russell, 'Hitler [was] an outcome of Rousseau', *History of Western Philosophy*, p. 660. For the totalitarian readings see principally Talmon, *The Origins of Totalitarian Democracy*, pp. 38-49; Crocker, *Rousseau's Social Contract*.

<sup>3</sup> See Hampshire-Monk, 'Rousseau and totalitarianism'; Williams, 'Modern Theorist of Tyranny?'

<sup>4</sup> Rawls, *Lectures*, p. 231.

<sup>5</sup> See respectively Stilz, *Liberal Loyalty*; Cohen, *Rousseau*, especially pp. 1-2 where he notes his debt to Rawls for his interest in Rousseau's relevance for modern liberal thought.

<sup>6</sup> Rousseau, *Social Contract*, *CW4*:153/ *OC3*:380. For the most comprehensive explorations of Rousseau's republicanism see Viroli, *Rousseau and the 'well-ordered society'*; Spitz, *La Liberté Politique*, pp. 271-490; Kylmäkoski, *The Virtue of the Citizen*. Other important book length studies to which Rousseau's republicanism is central include Shklar, *Men and Citizens*; Trachtenberg, *Making Citizens*; Rosenblatt, *Rousseau and Geneva*; Garrard, *Rousseau's Counter Enlightenment*.

also due to the position that he has been accorded as one of the ‘big names’ in a tradition of modern republicanism that supposedly offers a rival political theory to liberalism.<sup>7</sup> As will become apparent, however, Rousseau’s political vision is one that proves challenging for the way that republicanism is often understood in contemporary political philosophy. Some of the challenges that Rousseau posed were unique to the way that he articulated his republican thought, yet others speak more widely to the problems with recovering classical republican ideas for modern states. With this in mind, the chapter evaluates the revival of republicanism in modern political theory by examining aspects of the tradition upon which it draws.

Republicanism, of course, is a term with a much contested history and it remains an open question whether or not a coherent republican tradition can even be recovered that does justice to the nuances of the many different thinkers who wrote about republics. For present purposes, however, the focus is simply on republicanism as it is understood in much contemporary political theory following the seminal work of Philip Pettit. According to Pettit, there was a republican tradition unified across time by deference to the same textual authorities, an enthusiasm for the lessons of republican Rome, an emphasis on both the empire of law rather than men and a mixed constitution, recognition of the importance of civic virtue, and, most importantly of all, an understanding of freedom as non-domination.<sup>8</sup> Along with Quentin Skinner, who adopts a more historical approach to the subject, Pettit has been foremost in attempting to recover a republican conception of freedom distinct from the negative form associated with liberalism,<sup>9</sup> and the viability of this characterisation of the republican tradition occupies much of the present chapter. More specifically, attention is focused on pre-revolutionary French and Genevan republican thought. This proves to be a particularly important context for evaluating rival liberal and republican traditions given that it was largely the French form of classical republicanism against which prominent nineteenth-century liberals such as Benjamin Constant set out their own ideas.

Although the eighteenth-century French context proves informative for understanding Rousseau’s republicanism, it is also instructive to juxtapose his position with Hobbes’s views on republics in order to argue that they each pose distinctive challenges to both the way that the modern republican tradition understands its history and the prospects for reviving republican ideas in modernity. There are two important reasons for focusing on Hobbes in this context: the first is that he is often taken to be the *bête-noire* of the republican tradition, having allegedly opposed a distinctively republican conception of liberty as non-domination with a new

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<sup>7</sup> Pettit, *Republicanism*, p. 19.

<sup>8</sup> Pettit, *Republicanism*, p. 20. The terms ‘freedom’ and ‘liberty’ are used interchangeably here as they are in much of the relevant scholarly literature. In French the relevant noun is always *liberté* and the adjective *libre*.

<sup>9</sup> Skinner once described this conception of freedom as neo-Roman, although more recently he has come to call it republican. For the differences between the two see Pettit, ‘Keeping Republican Freedom Simple’. Both Pettit and Skinner associate liberalism with a conception of negative freedom and understand liberalism and republicanism as conflicting traditions that embrace contrasting conceptions of freedom. See Pettit, *Republicanism*, pp. 7-11; Skinner, *Liberty before Liberalism*, p. x.

definition of liberty as non-interference that would later be adopted by liberals in the nineteenth century.<sup>10</sup> The second reason is that the criticisms that Hobbes levelled at republicanism mirror some of those employed by Montesquieu who, in turn, set the terms of debate for important aspects of Rousseau's republicanism. This is not to claim that Hobbes's criticisms of republicanism directly influenced Rousseau (although they may well have done), but rather that Hobbes's challenge was one that speaks to the very type of project with which Rousseau was engaged. To begin with, then, it is well to elucidate the nature of Hobbes's challenge.

### **Hobbes's challenge to republicanism**

There is good reason to view Hobbes as one of the most important opponents of republicanism, yet it is well to specify with some precision the exact nature and bearing of the challenge that he posed. The greatest evidence that Hobbes sought to challenge republican ideas is to be found in Chapter XXI of *Leviathan*, where he famously asserted that there is no less liberty under a monarchy than under a democracy and that people were no less free in Constantinople than in Lucca.<sup>11</sup> This argument is usually taken – especially by advocates of republican liberty – to demonstrate the extent to which Hobbes was engaged with refuting and undermining the claims of republicans.<sup>12</sup> Indeed Hobbes's contemporaries read the chapter as a polemic against the classical republican tradition of the *civitas libera* found in Machiavelli and Livy,<sup>13</sup> and the great English republican James Harrington set out his understanding of liberty in direct opposition to *Leviathan* and sought to refute the equivalence between the Lucchese and Turks.<sup>14</sup> Even if Rousseau was unaware of the famous chapter from *Leviathan*, he too averred that Hobbes's 'principles are destructive of every republican Government'.<sup>15</sup>

The most comprehensive analysis of Hobbes's challenge to republicanism is now Quentin Skinner's *Hobbes and Republican Liberty*, thus it is well to begin by evaluating Skinner's arguments in order to reveal specifically what that challenge entailed. Skinner meticulously traces the alterations to Hobbes's analysis of liberty throughout the different recensions of his political theory and argues that these represent a substantial change in the character of his moral and political thought. Of particular importance presently is the change that takes place in *Leviathan*. This was the first enumeration of Hobbes's political theory in which he defined

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<sup>10</sup> Pettit, *Republicanism*, pp. 37-39.

<sup>11</sup> Hobbes, *Leviathan*, p. 149.

<sup>12</sup> Skinner, *Liberty before Liberalism*, pp. 85-86; *Hobbes and Republican Liberty*, pp. 157-162; Pettit, *Made with Words*, pp. 132-140. More generally see Goldsmith, 'Liberty, Virtue, and the Rule of Law', pp. 197-200; Martinich, 'Hobbes's Reply to Republicanism'. I refer to 'republicanism' and 'republican' theorists and ideas due to the prominence that these terms have assumed in contemporary scholarship, although it is important to note that these words were rarely employed in seventeenth-century English by either Hobbes or his opponents (in this respect Skinner's original neo-Roman may seem a more appropriate description of the ideas in question).

<sup>13</sup> Parkin, *Taming the Leviathan*, p. 178.

<sup>14</sup> Harrington, *Oceana* [1656], p. 20

<sup>15</sup> Rousseau, *Letters from the Mountain*, *CW*9:235/ *OC*3:811.

liberty as absence from 'external' impediments to motion. Skinner maintains that this change was of the utmost significance and offers two reasons for the redefinition: first, it resolved a number of tensions present in Hobbes's previous formulations of his account of liberty; and, second, it was a response to the political context in which republican arguments were increasingly being deployed following the execution of Charles I.<sup>16</sup> The new definition of liberty allowed Hobbes to refute the prevalent republican understanding of what it is to be a free man. Where, for republican theorists, liberty involved being free from the possibility of arbitrary interference and from living in dependence on the will of other men, for Hobbes it only entailed being free from interference as a matter of fact. Skinner concludes that Hobbes

is thus the first to answer the republican theorists by proffering an alternative definition in which the presence of freedom is construed entirely as absence of impediments rather than absence of dependence.<sup>17</sup>

According to Skinner, Hobbes's redefinition of liberty as absence of impediments or interference was epoch-making since, despite being initially discredited by his contemporaries, it is now 'widely treated as an article of faith'.<sup>18</sup> There are, however, two problems of note with Skinner's interpretation, which merit consideration. The first is the stress that he places on the extent of the change brought about by adding the word 'external' to the definition of liberty as absence of impediments to motion. Although *Leviathan* marked the first appearance of this addition in Hobbes's political theory, he had originally formulated his redefinition six years earlier in his debate with Bishop Bramhall over liberty and necessity, a context quite distinct from that regarding republican liberty.<sup>19</sup> If, as Skinner argues, the addition of 'external' entailed a significant alteration in the definition of liberty that rendered Hobbes's position more coherent, then it seems strange that it did not appear in the revised edition of *De Cive* that was published in 1647, especially given the evidence indicating that some of the revisions to the 1647 edition were added in light of Bramhall's other criticisms.<sup>20</sup> Skinner recognises that Hobbes first introduced his redefinition in response to Bramhall, but does not offer an explanation as to why, if this was so significant, he omitted the revision from the 1647 edition of *De Cive*.<sup>21</sup> A plausible alternative explanation would simply be that Hobbes did not consider the addition of 'external' to be a significant enough change to merit revising the text of *De Cive* and that its addition in *Leviathan* merely clarified the position that he adhered to in the earlier work.<sup>22</sup>

The second and more important reason to take issue with Skinner's interpretation is that

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<sup>16</sup> Skinner, *Hobbes and Republican Liberty*, pp. 124-149.

<sup>17</sup> Skinner, *Hobbes and Republican Liberty*, p. 157.

<sup>18</sup> Skinner, *Hobbes and Republican Liberty*, p. 213.

<sup>19</sup> Hobbes, *Of Liberty and Necessity* [1645], *EW4*: 275-276. This line of criticism is discussed further by Collins, 'Skinner's Hobbes', pp. 352-355.

<sup>20</sup> Parkin, *Taming the Leviathan*, p. 41.

<sup>21</sup> Skinner, *Hobbes and Republican Liberty*, pp. 129-131.

<sup>22</sup> It is well to note that if the addition of 'external' was driven by the debate about free will with Bramhall then the clarification would have been largely superfluous for the purposes of *De Cive*, where the metaphysical problem of free will was not discussed (in contrast to *Leviathan*).

it only emphasises one aspect of Hobbes's criticisms of the republican understanding of liberty. At the beginning of Chapter XXI Hobbes provided his definition of the proper signification of liberty or freedom as the absence of external impediments to motion. He then proceeded to give his definition of a free man as '*he, that in those things, which by his strength and wit he is able to do, is not hindred to doe what he had a will to*', as well as recasting his famous arguments that liberty and necessity are consistent, as are fear and liberty. Hobbes thus claimed that 'all actions which men doe in Common-wealths, for *feare* of the law, are actions, which the doers had *liberty* to omit.'<sup>23</sup> It is important to stress this point, as Hobbes confirmed that the laws of the commonwealth are not external impediments to motion and therefore do not hinder liberty properly understood. Skinner rightly highlights the polemical force behind the conclusion drawn from Hobbes's definition of a free man, which, contrary to the republican understanding, would render men free so long as they were not physically prevented from realising their will, irrespective of the passions that determined the will (such as fear) in the first place.<sup>24</sup> This is certainly a significant point, yet it is equally important to recognise that this understanding of liberty was not central to the remainder of the chapter in which Hobbes advanced his most forceful criticisms of republican liberty.

In order to understand the argument of the chapter it is well to bear in mind that Hobbes used liberty in at least two distinct ways in *Leviathan*.<sup>25</sup> In addition to defining corporeal liberty as absence from external impediments to motion, Hobbes also defined liberty in contradistinction to obligation. This tied into Hobbes's definition of the right of nature in terms of the liberty of each man, which he distinguished from the laws of nature that men are under an obligation to follow.<sup>26</sup> Yet it is not evident that Hobbes's opposition between liberty and obligation necessarily followed from his definition of corporeal liberty. Instead Hobbes argued that obligations amongst men only arise when someone renounces or transfers one's right or liberty. At this point one is obliged or bound not to hinder those to whom the right was granted because it would be contradictory and absurd to voluntarily undo that which was voluntarily maintained from the beginning.<sup>27</sup> In other words, when men covenant they wilfully transfer their liberty (or right) and are thus under an obligation to perform in accordance with that will. It would be contradictory and therefore against reason to retain the liberty to revoke that will and act otherwise, or to transfer a right and then later try to exercise that right. However, this is not

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<sup>23</sup> Hobbes, *Leviathan*, pp. 145-147.

<sup>24</sup> It is worth pointing out, however, that the polemical force was already present in the corresponding section of *De Cive*, where Hobbes justified the need for his own analysis with the remarkable claim that 'no writer has explained what *liberty* and *servitude* are.' *De Cive*, IX.9, *Cam.*111-112/ *Par.*189-191.

<sup>25</sup> A third (and related) use of liberty occurs in Hobbes's definition of deliberation as 'putting an end to the *Liberty* we had of doing, or omitting, according to our Appetite, or Aversion', *Leviathan*, p. 44. The last act of deliberation is the will and where the liberty of deliberation ends the obligation that may be occasioned by signs of the will begins.

<sup>26</sup> Hobbes, *Leviathan*, p. 91. To be sure, obligation under the laws of nature – when understood as commands of God – does not arise from a transfer of right to God. God's right to rule and command rather follows from His irresistible power, *De Cive*, XV.7, *Cam.*174-175/ *Par.*264; *Leviathan*, pp. 246-247.

<sup>27</sup> Hobbes, *Leviathan*, pp. 92-93.

because in covenanting men lose the corporeal liberty to revoke their will; rather they are prohibited from doing so by logical contradiction, and not by any external impediments to motion.

It is crucial to keep these two different conceptions of liberty in mind when examining the argument of Chapter XXI of *Leviathan* on the 'Liberty of Subjects', in which Hobbes most explicitly drew the distinction between the proper signification of liberty as corporeal or natural liberty, and the improper or artificial liberty of subjects. That Hobbes would discuss the liberty of subjects at all comes as something of a surprise, since he had earlier claimed that those who talk of '*A free Subject*' utter 'words without meaning; that is to say, Absurd.'<sup>28</sup> However, Hobbes clarified that it only makes any sense to talk about the liberty of subjects in relation to the 'Artificiall Chains, called *Civill Lawes*... In relation to these Bonds only it is, that I am to speak now, of the *Liberty of Subjects*.' The liberty of subjects pertains to 'all kinds of actions, by the laws praetermitted, [in which] men have the Liberty, of doing what their own reasons shall suggest, for the most profitable to themselves.'<sup>29</sup> This liberty is suited only for artificial bodies such as the commonwealth, in contrast to the corporeal liberty of natural bodies which can only be opposed by physical impediments to motion. The 'Artificiall Chains, called *Civill Lawes*', it is well to reiterate, only hinder the artificial liberty of subjects and not their corporeal liberty.

It is in his discussion of the liberty of subjects that Hobbes employed the famous example comparing Constantinople and Lucca and argued against those who have been deceived and led to sedition 'by the specious name of Libertie', which they have misunderstood from reading too much Aristotle, Cicero, and other Greek and Roman authors.<sup>30</sup> Those authors had confused the liberty of particular men with the liberty of commonwealths and it is against this understanding of liberty that Hobbes aimed to elucidate 'the particulars of the true Liberty of the Subject'. These particulars include, firstly, all of the rights stemming from man's inalienable right of self-preservation that can never be covenanted away, and, secondly, the liberties that 'depend on the Silence of the Law.' The liberties of the subject do not include the corporeal liberty to break the civil laws (unless such laws contravene the right of self-preservation), since such liberties are to be understood in contradistinction to the obligation that all subjects are under to obey the law. This obligation arises only from the covenant that all subjects have entered into in order to generate the sovereign power.<sup>31</sup>

Hobbes's argument against the republican account of the liberty of subjects, then, was primarily based on his definition of artificial liberty as absence of obligation and *not* on his definition of corporeal liberty as absence of external impediments to motion.<sup>32</sup> Indeed this point was appreciated by some of his contemporary critics, who in turn sought to defend the very

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<sup>28</sup> Hobbes, *Leviathan*, p. 34.

<sup>29</sup> Hobbes, *Leviathan*, p. 147; see also *De Cive*, XIII.15, *Cam.*150-151/ *Par.*238-239.

<sup>30</sup> Hobbes, *Leviathan*, pp. 148-149.

<sup>31</sup> Hobbes, *Leviathan*, pp. 150-152.

<sup>32</sup> See also Cromartie, 'Hobbes, History, and Non-domination', pp. 175-177.

understanding of liberty that Hobbes deemed so ill-conceived. For example, George Lawson claimed that Chapter XXI of *Leviathan* reveals that Hobbes ‘never understood what liberty is... In the Civil Law, and Politicks, its opposed to servitude and bondage, not simply and meerly to obligation by Laws, as he fancieth’.<sup>33</sup> For Hobbes, then, much to his critics derision, the amount of liberty in a commonwealth was limited by the extent of the laws and not the means by which such laws are formed, hence his opposition to all those who thought that men could only be free in democracies. Moreover, it is far from apparent that the specious misunderstanding of liberty that Hobbes sought to discredit can simply be understood in terms of non-domination, since he consistently argued against those who confused liberty and power, as is clear from a passage in *De Cive* that anticipates the arguments later developed in Chapter XXI of *Leviathan*:

When private citizens, i.e. subjects, demand *liberty*, what they are demanding in the name of *liberty* is not *liberty* but *Dominion*; but in their ignorance they never see this... those citizens who deplore loss of liberty in a *Monarchy* are only annoyed because they are not called to play a role in the government of the Country.<sup>34</sup>

Hobbes’s objection was not to a specific conception of liberty as non-domination, but rather to the idea that liberty could only be found in democracies or popular governments; that is, to a conception of liberty that entailed popular sovereignty.<sup>35</sup> Hobbes thought that the ‘democratical gentlemen’ who associated democracies with liberty and monarchies with tyrannies were one of the principal causes of the sedition and discord that resulted in civil war,<sup>36</sup> thus it was these associations that he sought to repudiate.<sup>37</sup> This analysis suggests that Hobbes’s challenge to a republican conception of liberty involved more than Skinner suggests in two important respects. First, it was the definition of liberty as absence of obligation and not as absence of external impediments of motion that was set out against the republican interpretation of the liberty of subjects. Second, the conception of liberty that Hobbes sought to contest was not liberty as non-domination but rather liberty as popular sovereignty.

If Chapter XXI of *Leviathan* was not primarily concerned with refuting an understanding of liberty as non-domination, then it is worth further examining to what extent the republican critique of Hobbes is valid. Central to this critique is the idea that Hobbes sought to legitimise arbitrary rule, thus Pettit claims that ‘Hobbes’s sovereign is not bound to act on any particular

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<sup>33</sup> Lawson, *Examination* [1657], p. 59.

<sup>34</sup> Hobbes, *De Cive*, X.8, *Cam.*121-122/ *Par.*202-203.

<sup>35</sup> To be sure, Hobbes may well have deliberately misrepresented the republican arguments (just as his republican critics would in turn misrepresent his arguments). As Algernon Sidney would later stress against Filmer, the point, as far as republicans were concerned, was not to compare democracy or popular government with monarchy, but rather to compare a regular mixed government with an absolute monarchy, *Discourses* [1698], especially II.20, p. 153. Sidney’s *Discourses* were translated into French in 1702 and republished in 1755. Rousseau may have been familiar with Sidney’s work and was at least aware of his reputation, *Letters from the Mountain*, *CW9*:235/ *OC3*:812.

<sup>36</sup> Hobbes, *Behemoth*, especially pp. 39, 43.

<sup>37</sup> This is not to say that Hobbes denied that democracy was a legitimate form of sovereignty (although he deemed it less preferable to monarchy), but simply that he contested the idea that liberty could only be found in democracies.

matter in the perceived interests of the subject; sovereignty permits quite arbitrary behaviour.<sup>38</sup> Similarly, Skinner states that, for Hobbes, ‘the mere presence of arbitrary power within a civil association does nothing to subvert our liberty.’<sup>39</sup> These interpretations are not without textual support, for Hobbes claimed to have shown that the ‘want of an Absolute and Arbitrary Legislative Power’ leads to the dissolution of commonwealths.<sup>40</sup> However, it is important to recognise that Hobbes understood arbitrariness quite differently from his modern republican critics.<sup>41</sup> For Pettit, liberty as non-domination is defined in contradistinction to arbitrary power, and arbitrary power is understood as that which does not track the interests of those upon whom it is exercised.<sup>42</sup> This involves a certain level of contestability that is certainly not to be found in Hobbes, but it is well to stress one very important sense in which the laws of a Hobbesian sovereign do track the interests of the subjects. Hobbes thought that the existence of the sovereign and civil laws was absolutely necessary in order to ensure that peace is preserved. In *Leviathan* the fundamental law of nature is ‘to seek Peace, and follow it’,<sup>43</sup> and it is the interest that all men have in seeking peace and thereby ensuring their self-preservation that leads to the generation of the commonwealth. Indeed if there is one interest that all individuals have it is an interest in their own preservation, thus their obligation to the sovereign lasts only as long as this interest is tracked (to use Pettit’s terms), or as Hobbes more famously put it:

The Obligation of Subjects to the Sovereign, is understood to last as long, and no longer, than the power lasteth, by which he is able to protect them. ...The end of Obedience is Protection;<sup>44</sup>

The obligation of the subjects, then, lasts only as long as the sovereign ensures their protection, thus satisfying their overriding interest in peace and self-preservation. To the extent that Hobbes considered the question of legitimacy at all, it was couched in terms of when and why certain obligations exist in the commonwealth. In *Leviathan* Hobbes explicitly claimed that the obligation of subjects exists only to the extent that peace is secured, for where ‘our refusal to obey, frustrates the End for which Sovereignty was ordained; then there is no Liberty to refuse: otherwise there is.’<sup>45</sup> In addition, for any law to be obligatory it would have to be clearly promulgated by the sovereign and the sovereign remains obligated under natural law to provide subjects with not just ‘a bare Preservation, but also all other Contentments of life, which every man by lawfull Industry, without danger, or hurt to the Common-wealth, shall acquire to

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<sup>38</sup> Pettit, *Made with Words*, p. 139.

<sup>39</sup> Skinner, *Hobbes and Republican Liberty*, p. 212.

<sup>40</sup> Hobbes, *Leviathan*, p. 486.

<sup>41</sup> It should be noted here that both Hobbes’s and Pettit’s understanding of arbitrariness differ in important respects from more conventional meanings of the word. The most obvious sense in which Hobbes’s sovereign may be deemed to hold arbitrary power is simply that he is not bound to obey the civil laws of the commonwealth and cannot act unjustly (although his actions may be iniquitous).

<sup>42</sup> Pettit, *Republicanism*, p. 55.

<sup>43</sup> Hobbes, *Leviathan*, p. 92.

<sup>44</sup> Hobbes, *Leviathan*, p. 153.

<sup>45</sup> Hobbes, *Leviathan*, p. 151.



himself.<sup>46</sup> Hobbes thought it imperative that the sovereign ensure the security of his subjects, for which it is essential ‘that they have nothing to fear but penalties which they can anticipate or expect’;<sup>47</sup> thus the punishments that follow from the breach of the law are not arbitrary.<sup>48</sup> What is more, the idea that the obligation of the subjects ceases when the sovereign does not secure their preservation was attacked for giving *too much* liberty to subjects by absolutists such as John Bramhall and Robert Filmer, with the latter insisting that this doctrine is ‘destructive to all government whatsoever, and even to the *Leviathan* itself’.<sup>49</sup> In the dedication to *Leviathan*, Hobbes wrote of how, ‘in a way beset with those that contend, on one side for too great Liberty, and on the other side for too much Authority, ’tis hard to passe between the points of both unwounded.’<sup>50</sup> The reception history of *Leviathan* proves testimony to the truth of this claim, with Hobbes’s absolutism being criticised on the one side for justifying arbitrary rule and on the other side for supplying a ‘*Rebells catechism*’.<sup>51</sup>

If Hobbes did not justify obligation to arbitrary rule in the way that Pettit understands arbitrariness, then it is well to consider what he meant when he insisted upon the necessity of arbitrary power. Hobbes equated an ‘Arbitrator’ with a ‘Judge’, whose role was to resolve controversies between men.<sup>52</sup> In the state of nature there would be no such authoritative arbitrator (a principal cause of the state of war), hence an arbitrator would be required in the civil state to perform ‘the act of defining what is Just.’<sup>53</sup> It was consequently a law of nature that those who ‘*are at controversie, submit their Right to the judgement of an Arbitrator.*’<sup>54</sup> An individual with arbitrary power, then, was someone whose will could authoritatively resolve disputes and controversies and the existence of such arbitrary power was a precondition of living in peace rather than war. If the sovereign’s judgement could be legitimately challenged then it would cease to be authoritative and, by definition for Hobbes, cease to be sovereign. Indeed this is one reason why Hobbes thought that the division of sovereignty amounted to its eradication, resulting in civil war.<sup>55</sup>

It is important to stress that Hobbes did not consider arbitrary power to be opposed to either the consent or representation of the people.<sup>56</sup> The obligation that subjects are under depends on them each having willingly subjected their will to that of the sovereign; in this

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<sup>46</sup> Hobbes, *Leviathan*, p. 231.

<sup>47</sup> Hobbes, *De Cive*, XIII.16, *Cam.*151/ *Par.*239.

<sup>48</sup> Hobbes, *Leviathan*, p. 203.

<sup>49</sup> Filmer, *Observations* [1652], p. 248.

<sup>50</sup> Hobbes, *Leviathan*, p. 3.

<sup>51</sup> Bramhall, *The catching of Leviathan*, p. 515.

<sup>52</sup> Hobbes, *Leviathan*, pp. 32-33.

<sup>53</sup> Hobbes, *Leviathan*, p. 105.

<sup>54</sup> Hobbes, *Leviathan*, p. 109.

<sup>55</sup> Hobbes maintained that the division between the King, the Lords and the Commons led to civil war in England, *Leviathan*, p. 127. Moreover, Hobbes argued that even if sovereignty could be divided it would not advance liberty, as if the divisions agree with one another then any subjection would be just as great as under an undivided sovereign and if the divisions disagree then civil war would ensue, *De Cive*, VII.4, *Cam.*93/ *Par.*169-170.

<sup>56</sup> When discussing lots, Hobbes thus defined arbitrary lots as those which the competitors agree upon, as opposed to natural lots such as primogeniture, *Leviathan*, p. 108.

respect the Hobbesian sovereign represents the will of the people.<sup>57</sup> In *Leviathan* this is presented as an act of authorisation, with the consequence that the will of the sovereign is in fact the will of each individual subject.<sup>58</sup> Given that the law is nothing other than the will of the sovereign, it could even be argued that, *pace* Rousseau, the law actually emanates from the will of every individual.

Hobbes insisted that Aristotle had been mistaken to think that in a commonwealth ‘not Men should govern, but the Law.’ Against this seditious idea, he maintained that behind any law there is always either the will of one man or the will of an assembly of men (be it aristocratic or democratic), and ‘without such Arbitrary government, such Warre must be perpetuall’.<sup>59</sup> According to Hobbes, then, all legislative power was arbitrary by definition, since it would always be dependent on the will of the sovereign. The importance of this point cannot be understated. Although primarily in response to Filmer rather than Hobbes, Algernon Sydney even confessed towards the end of his *Discourses Concerning Government* that the ‘*Legislative Power is always Arbitrary*’, since ‘the establishment of Government is always an arbitrary Act, wholly depending on the will of men.’<sup>60</sup> For Sidney of course, in opposition to absolutists, the necessary arbitrariness of the legislative power was one more reason why it should only ever be trusted to those who are bound to obey the laws that they make, yet he nonetheless accepted the Hobbesian point that the law is always dependent on the will of men.

For republicans such as Rousseau, by contrast, it was imperative that the law could be conceptually distinguished from the will of particular men, as only then would dependence on the law be in accordance with freedom (whereas dependence on the will of other men would always be opposed to freedom).<sup>61</sup> Rousseau realised that this was a problem akin to that of squaring the circle in geometry and could only be achieved providing that sovereignty always remained with the people. Hobbes’s greatest challenge to republicans, or the ‘democratical gentlemen’ as he called them, was simply to argue that this is to confuse sovereignty and liberty. This challenge would be reiterated by Montesquieu, yet examination of early eighteenth-century French thought also reveals that the question of political liberty was far from central to the republican language of the time.

### Montesquieu and French republicanism

Montesquieu is generally recognised as having occupied a pivotal role in the development of eighteenth-century republicanism, even if the intricacies and implications of what that role

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<sup>57</sup> The claim that the sovereign represents (*représente*) the will of the people was explicit in Sorbière’s French edition of *De Cive*, V.9, *Cam.*73/ *Par.*145.

<sup>58</sup> Hobbes, *Leviathan*, pp. 120, 124.

<sup>59</sup> Hobbes, *Leviathan*, p. 471.

<sup>60</sup> Sidney, *Discourses*, III.45, pp. 455-457.

<sup>61</sup> Rousseau, *Emile*, *CW*13:216-217/ *OC*4:311.

entailed remain greatly contested.<sup>62</sup> There is little doubt that Montesquieu was a significant influence on Rousseau's political thought,<sup>63</sup> and he also proves to be an important figure in the way that modern republicans have come to understand the tradition upon which they draw. In general this is due to the impact that his work had on the founding fathers in America, thus Paul Rahe argues that Montesquieu was the first to break with classical republicanism and lay the foundations for the modern commercial republic.<sup>64</sup> Montesquieu is also central to Pettit's revival of republicanism. In addition to supposedly being one of the 'big names' of the modern republican tradition, Montesquieu's understanding of liberty as security or tranquillity of spirit is adopted by Pettit in support of his own conception of liberty as non-domination.<sup>65</sup> Even if Montesquieu lends support to Rahe's and Pettit's interpretations of modern republicanism, it is important to reveal how differently his views on republics appear when situated in the pre-revolutionary French context; this being the context in which Rousseau read and responded to Montesquieu.

As the eighteenth century progressed the famous quarrel between the ancients and moderns took a decidedly political turn. At the heart of this debate was the question of whether or not the virtues associated with ancient polities such as Sparta and Rome should, or could, be revived in eighteenth-century Europe. Following Machiavelli, histories of Rome had become a prominent genre of political argument in the early modern period, central to which were issues concerning what the rise and decline of Rome could reveal about the prospects for modern states. These histories often emphasised the prevalence of civic virtue in sustaining the glory of republican Rome and cast its corruption in terms of the development of the individualistic passions associated with the onset of luxury. Typical here is Charles de Saint-Evremond, whose influential work towards the end of the seventeenth century introduced a number of themes that would later characterise both Montesquieu's thought in particular and the discussion of republican ideas in eighteenth-century France more generally.<sup>66</sup> Saint-Evremond argued that at its height Rome was a true community where private interests were subsumed under the order and interest of the republic. Yet he also stressed that such virtue was not suited to large states and would only last in small polities where poverty is respectable.<sup>67</sup> The corruption and decline of Rome commenced as the spirit of individualism developed and the bonds of society were felt to be burdensome.<sup>68</sup> At this stage love of fatherland was lost, for 'this esteem, this inclination, so noble for virtuous men, seemed ridiculous to people who wanted to consider nothing other than

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<sup>62</sup> For a critical overview of the debate see Douglass, 'Montesquieu and Modern Republicanism'.

<sup>63</sup> Indeed Rahe even suggests that Rousseau owed his very interest in politics to Montesquieu, *Soft Despotism*, especially pp. 77-81, and more generally pp. 116-140.

<sup>64</sup> Rahe, *Montesquieu and the Logic of Liberty*.

<sup>65</sup> Pettit, *Republicanism*, pp. 71, 273.

<sup>66</sup> See Keohane, *Philosophy and the State in France*, pp. 229-237.

<sup>67</sup> Saint-Evremond, 'Réflexions sur les divers génies du peuple Romain dans les divers temps de la République', *Œuvres*, II, pp. 255-256. The earliest (authorised) edition of Saint-Evremond's works was published in 1668 although the two volume edition edited by Desmaizeaux in 1705 was most frequently reprinted thereafter.

<sup>68</sup> Saint-Evremond, 'Réflexions', *Œuvres*, II, pp. 307-309.

themselves. Honour began to pass for a chimera, glory for purest vanity'.<sup>69</sup> Despite his praise of republican Rome, then, Saint-Evremond was clear that the spirit of individualism that characterised large modern states was antithetical to the love of fatherland requisite for preserving virtue in small republics.

The idea that modern commercial societies fostered an individualistic spirit opposed to virtue became increasingly accepted around the turn of the eighteenth century; the important question, therefore, was whether the ancient virtues should be revived or whether modern commerce and luxury should be embraced. Pierre Nicole famously argued that, given man's fallen nature, genuine virtue was beyond the reach of political society and the best that could be hoped for was to enlighten man's *amour-propre*, which could then imitate all the effects of virtue.<sup>70</sup> This argument was more scandalously recast by Bernard Mandeville, who maintained that man's private vices lead to public benefits and offered a sustained defence of the effects of luxury.<sup>71</sup> These ideas became increasingly prominent in France with the development of *doux commerce* theory, especially in Jean-François Melon's highly acclaimed *Political Essay on Commerce*, a work that owed much to Mandeville's arguments.<sup>72</sup> On the other side of the debate, most famously, was François de Fénelon. In his widely read *Telemachus*, Fénelon eulogised ancient virtue in contrast to the corruption that he associated with modern commercial societies, insisting that 'luxury poisons a whole nation.'<sup>73</sup> Even though the sort of government Fénelon supported was monarchical, it has come to be regarded as a republican monarchy precisely because of his exaltation of the ancient virtues.<sup>74</sup>

Given the praise of Rome found in his *Considerations on the Romans*, it might be thought that Montesquieu would have come down against those who embraced modern commercial society. However, like Saint-Evremond before him, it was not evident from Montesquieu's *Considerations* that the virtues that had sustained Rome at its height were applicable in modern states. Even if Montesquieu's precise position regarding this debate is difficult to discern from the *Considerations*, it was much more apparent by the time *The Spirit of the Laws* was complete. In the later work Montesquieu sided with the *doux commerce* theorists – principally against Fénelon – by maintaining that commerce and luxury should be developed across Europe; indeed it is no overstatement to claim that the theory of *doux commerce* was at the heart of Montesquieu's political thought.<sup>75</sup>

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<sup>69</sup> 'cette estime, cette inclination si noble pour les hommes de vertu, sembla ridicule à des gens qui ne veulent considerer rien qu'eux-mesmes. L'Honneur commença de passer pour une chimere, la gloire pur une vanité toute pure,' Saint-Evremond, 'Réflexions', *Œuvres*, II, p. 318.

<sup>70</sup> Nicole, 'De la Charité et de l'amour-propre', *Œuvres*, especially pp. 185-190

<sup>71</sup> Mandeville, especially Remark L, *Fable*, I, pp. 107-123.

<sup>72</sup> For more detailed discussion of the *doux commerce* context and its importance with respect to Rousseau's *Second Discourse* see Chapter Two, 'Natural goodness and the recovery of the golden age'.

<sup>73</sup> Fénelon, *Telemachus*, p. 297.

<sup>74</sup> Riley, 'Fénelon's 'Republican' Monarchism'.

<sup>75</sup> Spector, *Pouvoirs, Richesses et Sociétés*, p. 16. More generally see Larrère, 'Montesquieu on Economics and Commerce', pp. 337-340; Hont, 'The early Enlightenment debate on commerce and luxury', pp. 404-409; Rahe, *Montesquieu and the Logic of Liberty*, pp. 108-113.

In the *Spirit of the Laws* Montesquieu provided a typology of the different forms of government in terms of their natures and their principles. The nature of a republic was defined in terms of the sovereignty of the people (in democracies) or of part of the people (in aristocracies).<sup>76</sup> The principle of republics was political virtue, which Montesquieu equated with love of fatherland. In democracies this further entailed love of democracy, equality and frugality, whereas in aristocracies love of equality could be replaced with a spirit of moderation.<sup>77</sup> According to Montesquieu, most ancient governments had virtue for their principle, in contrast to modern peoples where such virtue is not to be found.<sup>78</sup> This was largely due to the extent of commerce and the onset of luxury in modernity, which, although essential to monarchies, corrodes the principle of all republics, to the extent that ‘the less luxury there is in a republic, the more perfect it is.’<sup>79</sup>

Although Montesquieu thought that luxury corrupts the principle of republics, the prospects for commercial republics appeared more promising when he turned to consider commerce in relation to the constitutions (and not the principles) of the different forms of government. Montesquieu distinguished between commerce founded on luxury and commerce founded on economy. The former is more appropriate for monarchies and the latter for republics, and he argued that great commercial enterprises are only likely to be pursued by republics.<sup>80</sup> Montesquieu praised the beneficial effects of commerce, which lead to the spread of gentle (*doux*) mores and serve to procure peace amongst trading nations. Yet he equally recognised that commerce sets individuals apart from one another and weakens pure mores, with moral virtues being performed only for money rather than for humanity’s sake.<sup>81</sup>

In modern Europe the transition from commerce to luxury was almost inevitable since the extent of commerce was far greater than in ancient times, thus the ‘effect of commerce is wealth; the consequence of wealth, luxury’.<sup>82</sup> Montesquieu thought that the principle of republics was incompatible with the onset of luxury, since the spirit of generality that must dominate in republics is replaced by that of particularity, inequality rises and political virtue is destroyed.<sup>83</sup> By contrast, he considered that England was particularly well suited for commerce and luxury,<sup>84</sup> hence he praised the nation’s spirit for having ‘always made its political interests give way to the interests of commerce.’<sup>85</sup> Modern commercial states, like England, would not be sustained by the principle of republics but rather by that of monarchies, which was more

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<sup>76</sup> Montesquieu, *Spirit of the Laws*, II.1, p. 10.

<sup>77</sup> Montesquieu, *Spirit of the Laws*, V.3, p. 43; V.8, p. 51

<sup>78</sup> Montesquieu, *Spirit of the Laws*, IV.4, p. 35.

<sup>79</sup> Montesquieu, *Spirit of the Laws*, VII.2, p. 98.

<sup>80</sup> Montesquieu, *Spirit of the Laws*, XX.4, pp. 340-341.

<sup>81</sup> Montesquieu, *Spirit of the Laws*, XX.1-2, pp. 338-339.

<sup>82</sup> Montesquieu, *Spirit of the Laws*, XXI.6, p. 357.

<sup>83</sup> Montesquieu, *Spirit of the Laws*, VII.4, p. 100; *Mes Pensées*, 1810, *Œuvres*, vol. I, p. 1434.

<sup>84</sup> Montesquieu, *Spirit of the Laws*, VII.6, p. 102; XIX.27, p. 331.

<sup>85</sup> Montesquieu, *Spirit of the Laws*, XX.7, p. 343. Montesquieu took England as the paradigm for modern commerce, see Spector, *Pouvoirs, Richesses et Sociétés*, pp. 182-202.

suitable for societies beset with luxury.<sup>86</sup> The principle of monarchies was honour, the nature of which is to demand preferences and distinctions. Montesquieu equated this with ambition, which although pernicious in republics has good effects in monarchies; indeed it does not matter that such honour is really false honour, as it remains beneficial for ‘each person works for the common good, believing he works for his individual interests.’<sup>87</sup> This principle is central to the prosperity of modern commercial states, in which even if men’s ‘passions inspire in them the thought of being wicked, they nevertheless have an interest in not being so.’<sup>88</sup>

Montesquieu approved of both Nicole’s reflections on *amour-propre* and Mandeville’s ideas on commerce,<sup>89</sup> and his own account of how false honour and ambition lead individuals to pursue the common good resembles the positive effects of enlightened *amour-propre* in his predecessors’ thought. Moreover, by arguing that commerce procures gentle (*doux*) mores that render political virtue superfluous, Montesquieu clearly sided with the *doux commerce* theorists over those who extolled the virtues of ancient polities. Indeed by denying the relevance of political virtue for modern commercial states, Montesquieu disavowed the central tenet of the classical republican discourse prevalent in France at the time, which was primarily concerned with protecting civic virtue against its imminent erosion by the development of individualism and self-interest.<sup>90</sup> This has led to Montesquieu being viewed as one of the pivotal figures in repudiating classical republicanism in favour of a form of modern commercial republicanism.<sup>91</sup> Yet it is well to stress that, for Montesquieu at least, the proposals that he set forth for modern commercial states were not distinctively republican and were based on individuals displaying the passions associated with the principle of monarchies.

When located in the context of pre-revolutionary French thought, then, Montesquieu is best viewed as an opponent of the prevalent republican discourse, precisely because he denied the relevance of lessons drawn from ancient polities for modern states. What is more, this is exactly how he was read by the next generation of republicans writing in French during the eighteenth century. Of these two are particularly significant when considering the context for Rousseau’s republicanism: the Abbé de Mably and Claude Helvétius.<sup>92</sup>

<sup>86</sup> See also Sonescher, who argues that Montesquieu thought that only modern monarchies could cope with the level of luxury that had developed in eighteenth-century Europe, *Before the Deluge*, pp. 166-172.

<sup>87</sup> Montesquieu, *Spirit of the Laws*, III.7, p. 27.

<sup>88</sup> Montesquieu, *Spirit of the Laws*, XXI.20, pp. 389-390. On the importance of Montesquieu’s account of honour for the prosperity and liberty of modern states see principally Krause, *Liberalism with Honor*, pp. 32-66; Spector, *Pouvoirs, Richesses et Sociétés*, especially pp. 56-95.

<sup>89</sup> Montesquieu, *Mes Pensées*, 1036 (for Nicole) and 1978 (for Mandeville), *Œuvres*, I, pp. 1273, 1489.

<sup>90</sup> See Baker, ‘Classical Republicanism in Eighteenth-Century France’, especially p. 36.

<sup>91</sup> Most comprehensively see Rahe, *Montesquieu and the Logic of Liberty*.

<sup>92</sup> Rousseau was at one time very close to the Abbé de Mably and praised the *Entretiens de Phocion* in a letter that also indicated his familiarity with Mably’s earlier works, ‘Rousseau à Louis-Eugène, prince de Wurtemberg, le 26 mai 1764’, CC20:93. On the relationship between Mably and Rousseau see Wright, *The Political Thought of Mably*, especially pp. 121-124. Rousseau knew Helvétius’s *De l’Esprit* well, having planned to publish a response. Although Helvétius is not often remembered as a republican thinker, David Wootton has shown that his contemporaries read *De l’Esprit* as a republican text that amounted to a call for revolution, ‘Helvétius’, especially pp. 322-330. The republican affinities between Rousseau and Helvétius have also been noticed by Hulliung, *Autocritique of Enlightenment*, pp. 31, 140-145.

In his *Observations on the Romans*, Mably compared modern nations ‘where avarice and luxury have stifled all love of the public good’, with Rome in its poor and uncorrupted state.<sup>93</sup> Mably accepted the argument, advanced by those following Nicole and Mandeville, that individuals who are vicious in private might realise their interest in putting on the mask of virtue in public; indeed he thought that this had been the case in Rome following its original corruption, leading it to flourish during a period of tranquillity.<sup>94</sup> Yet Mably insisted that the lesson to be drawn from Rome was that this was merely a period of false prosperity that could only ever be short-lived before the inevitable decline that follows once a taste for luxury has developed, which always corrupts virtue.

For Mably, however, it was ancient Sparta and not Rome that provided the model of the perfect republic, as the Spartans enjoyed all of the advantages arising from the union of love of freedom and love of fatherland in a purely popular state.<sup>95</sup> Throughout *Phocion's Dialogues* Lycurgus is taken as the legislator *par excellence* and Mably's praise of Sparta and Lycurgus even surpassed that found in Rousseau. The glory of Sparta was largely due to its success in forestalling the onset of wealth and luxury, which ensured that the mores of the people remained pure and uncorrupted. In his most vehement attack on the effects of luxury, Mably stated that in modern states the ‘thirst for money that devours us has stifled love of fatherland. The luxury of the citizen refuses all of the duties of humanity.’<sup>96</sup>

The praise of Spartan virtue and critique of modern luxury were also central themes in Helvétius's political thought. For Helvétius, the question of whether luxury is beneficial to a nation supplied the paradigmatic case of ignorance (one of the two sources of erroneous judgements), with people only viewing one side of the debate. Although Helvétius nominally remained neutral on the question, his presentation of the arguments against luxury far outweighed his account of its benefits and the implication was clear: those who thought that luxury benefitted nations were ignorant of its effects and judged erroneously.<sup>97</sup> Helvétius proceeded to confirm that he was far from thinking that luxury is beneficial for a state,<sup>98</sup> a point he illustrated with reference to England. Where Montesquieu had praised the commerce of the English, Helvétius thought that their taste for luxury and effeminacy would soon lead to the demise of their principles of government and ensuing servitude as people come to prefer riches

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<sup>93</sup> ‘où l'avarice et le luxe ont étouffé l'amour de bien public.’ Mably, *Observations sur les Romains* [1751], *Œuvres*, vol. IV, p. 256.

<sup>94</sup> Mably, *Observations sur les Romains*, *Œuvres*, IV, pp. 273-274.

<sup>95</sup> Mably, *Observations sur l'Histoire de la Grèce*, *Œuvres*, IV, pp. 14-24. Mably's *Observations sur les Grecs* was first published in 1749, which was then revised as *Observations sur l'Histoire de la Grèce* and published in 1764.

<sup>96</sup> ‘La soif de l'argent qui nous dévore a étouffé l'amour de la patrie. La luxe du citoyen refuse tout aux devoirs de l'humanité.’ Mably, *Entretiens de Phocion, sur le Rapport de la Morale avec la Politique* [1763], *Œuvres*, X, p. 51.

<sup>97</sup> Helvétius, *De l'Esprit*, I.3, pp. 30-41. In the edition cited the chapter ‘De l'ignorance’ is twelve pages long; one of which is given over to the benefits of luxury and ten to its ill effects.

<sup>98</sup> Helvétius, *De l'Esprit*, II.15, pp. 136-137.

over talent.<sup>99</sup>

Helvétius considered that the development of luxury and effeminacy was one of the two sources of despotic power, as it results in people only being concerned with their private interest and not the public welfare.<sup>100</sup> The ‘opium of luxury’, he insisted, allows despotism to flourish by numbing the passions of citizens, which are ‘the soul and the life’ of the state.<sup>101</sup> Helvétius maintained that virtue is incompatible with commercial republics as commerce places the value of riches higher than that of honours,<sup>102</sup> whereas honour is of much greater value in sustaining virtue and making people happy. Helvétius shared Mably’s admiration of Sparta and took Lycurgus to be the model legislator precisely because he knew how to cultivate virtue whilst also rendering the citizens happy in performing their duties, both of which were imperative ‘since the force of virtue is always proportionate to the degree of pleasure assigned for its reward.’<sup>103</sup> Helvétius thus averred that virtue only flourished in Greece and Rome when the legislators united private and public interest; in a note to the passage adding that it is ‘in this union that the true spirit of the laws consists.’<sup>104</sup> Both Mably and Helvétius, then, eulogised the civic virtue of ancient Sparta in order to support their respective critiques of the degenerative effects of commerce and luxury.

The emphasis on Sparta over Rome as the model republican polity serves to highlight one of the peculiarities of the French republican tradition around the middle of the eighteenth century; that is, that the significance of political liberty – for which republican Rome provided the model – was relatively neglected in comparison with the importance of inculcating civic virtue, as exemplified by Sparta. This is not to say that liberty was of no concern for French republican thinkers, but only that it was not the principal value that they associated with the republics of antiquity. Rather the definitive characteristic of the republican language of the time was the emphasis placed on cultivating civic virtue in opposition to the corrosive effects of modern commercial society.

At this stage it is well to return to Montesquieu and note that he did not consider political liberty to be constitutive of either the nature or principle of republics (or of any other form of government). With this in mind, then, it is worth briefly considering the idea that Montesquieu advanced a republican understanding of liberty as non-domination, as Pettit has argued. Montesquieu thought that political liberty was only to be found in moderate governments (which include monarchies) and was exemplified by the English constitution,

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<sup>99</sup> Helvétius, *De l'Esprit*, II.20, pp. 166-167. C.f. Hulliung, who argues that Helvétius borrowed his republicanism and praise of England from Montesquieu, *Autocritique of Enlightenment*, pp. 115-118.

<sup>100</sup> Helvétius, *De l'Esprit*, III.18, pp. 307-312.

<sup>101</sup> ‘les citoyens sont, pour ainsi dire, engourdis dans l’opium du luxe... Il faut des passions dans un Etat ; elles en sont l’âme et la vie.’ Helvétius, *De l'Esprit*, III.21, p. 322.

<sup>102</sup> Helvétius, *De l'Esprit*, III.23-24, pp. 327-334.

<sup>103</sup> ‘puisque la force de la vertu est toujours proportionnée au degré de plaisir qu’on lui assigne pour récompense.’ Helvétius, *De l'Esprit*, III.15, pp. 289-290.

<sup>104</sup> ‘C’est dans cette union que consiste le véritable esprit des lois.’ Helvétius, *De l'Esprit*, III.22, p. 324.



which he deemed to be the only constitution that ‘has political liberty for its direct purpose.’<sup>105</sup> He defined political liberty in relation to the constitution as ‘the right to do everything the laws permit’, which consists ‘in having the power to do what one should want to do and in no way being constrained to do what one should not want to do.’<sup>106</sup> In relation to the citizen, liberty consists in ‘that tranquillity of spirit which comes from the opinion each one has of his security’, for which it is imperative that citizens do not fear one another.<sup>107</sup> Whether or not Montesquieu’s definition of liberty quite entailed having ‘the capacity to stand eye to eye with your fellow citizens’,<sup>108</sup> there is certainly some affinity between Pettit’s non-domination and Montesquieu’s security and tranquillity of spirit. What is not so clear is that Montesquieu perceived there to be anything distinctively republican about this conception of liberty.

Montesquieu thought that political liberty could only be present ‘when power is not abused’, for which ‘power must check power by the arrangement of things.’<sup>109</sup> It was primarily the division of legislative, executive and judiciary powers in the English system, then, that preserved its liberty. There is much debate as to whether or not Montesquieu thought that England was a republic, a position which is usually supported by his implicit reference to England as ‘a nation where the republic hides under the form of monarchy’.<sup>110</sup> Without entering into the debate in detail presently, it is well to stress that in Book XI – which is concerned explicitly with political liberty – England is consistently treated as if it is a monarchy, albeit one with aristocratic elements. Montesquieu claimed that ‘the English have taken their idea of political liberty from the Germans’, and in the following chapters he explained that the monarchies known in modernity derived from the German nations that conquered the Roman Empire.<sup>111</sup> These were unknown to the ancients and originated in a mix between monarchy and aristocracy. In an unpublished *pensée* on the history of England, Montesquieu even wrote that ‘if they did not have a king in England, the English would be less free.’<sup>112</sup>

Montesquieu nowhere indicated that the political liberty exemplified in the English constitution was secured by its republican elements, or that his definition of liberty as tranquillity of spirit was distinctively republican. Indeed the only time that he associated any type of liberty with republics it was for the purpose of refuting those who too readily associated political liberty with democratic governments. Montesquieu argued that the association of

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<sup>105</sup> Montesquieu, *Spirit of the Laws*, XI.5, p. 156. Montesquieu took the constitution of England as an ideal type and was not concerned ‘whether at present the English enjoy this liberty or not.’ XI.6, p. 166.

<sup>106</sup> Montesquieu, *Spirit of the Laws*, XI.3, p. 155.

<sup>107</sup> Montesquieu, *Spirit of the Laws*, XI.6, p. 157; XII.1-2, pp. 187-188. However, in his *Pensées* Montesquieu suggested that this freedom is somewhat illusory. Living under good laws, such as in monarchies or wise and moderate aristocracies, is like being a fish in a large net, only thinking oneself free. Nonetheless, this ensures the citizen’s sense of security, unlike in despotisms, *Mes Pensées*, 1798-1801, *Œuvres*, I, pp. 1430-1431.

<sup>108</sup> Pettit, *Republicanism*, p. 5.

<sup>109</sup> Montesquieu, *Spirit of the Laws*, XI.4, p. 155.

<sup>110</sup> Montesquieu, *Spirit of the Laws*, V.19, p. 70.

<sup>111</sup> Montesquieu, *Spirit of the Laws*, XI.6-8, pp. 165-168.

<sup>112</sup> ‘S’il n’y avoit pas de roi en Angleterre, les Anglois seroient moins libres.’ Montesquieu, *Mes Pensées*, 601, *Œuvres*, I, p. 1402.

liberty with democracies was based on a misunderstanding of liberty that arises because ‘the power of the people has been confused with the liberty of the people.’<sup>113</sup> This argument, it should be stressed, is the same as that which Hobbes employed against the ‘democratical gentlemen’ who conflated sovereignty with liberty. To be sure, there are important differences between Hobbes’s and Montesquieu’s definitions of liberty, yet they both targeted what they took to be the same erroneous conceptions and both rejected the idea that liberty could only be secured in a republic. Montesquieu even proceeded to challenge the great English republican and adversary of Hobbes, James Harrington, who had confused the idea of political liberty in *Oceana* and ‘sought this liberty only after misunderstanding it’.<sup>114</sup>

Beyond the erroneous amalgamation of the people’s power and liberty, Montesquieu did not associate any form of liberty uniquely with republics. To the extent that Montesquieu’s analysis of political liberty supports Pettit’s conception of liberty as non-domination, then, it equally reveals how indistinctively republican that conception really is. Montesquieu’s idea that the English constitution provided the model of political liberty would later be challenged by Rousseau, yet there is little other evidence to suggest that questions regarding political liberty were central to the republican critiques of Montesquieu in France. Indeed Montesquieu’s analysis of republics was not primarily concerned with liberty at all and examination of his thought rather serves to sever the association between republican government and liberty as non-domination.

Analysis of Montesquieu’s thought reveals him to have posed at least two challenges to republicanism as it was conceived by his contemporaries. Most significantly, by siding with the *doux commerce* theorists against those who sought to recover ideas from ancient polities, Montesquieu rendered political virtue – the principle of republics – beyond the reach of modern states. In addition, Montesquieu also challenged thinkers such as Harrington, who adhered to a confused conception of political liberty, by reasserting Hobbes’s criticism that those who associate liberty with democracies mistakenly conflate liberty and power. Indeed Montesquieu gave little indication that the form of political liberty that he prized was at all unique to republics. Both political liberty and civic virtue, however, would be central to Rousseau’s republican vision, and with the general context of French republicanism sketched out these may now each be examined in turn.

### **Rousseau and republican liberty**

Even if political liberty was not central to the pre-revolutionary French republican discourse, the concept was of paramount importance for Rousseau. Rousseau defined a republic as any state

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<sup>113</sup> Montesquieu, *Spirit of the Laws*, XI.2, p. 155. More generally see Dijn, who argues that Montesquieu developed his understanding of liberty in direct opposition to the republican conception propagated by thinkers such as Machiavelli, Harrington and Sidney, ‘*On Political Liberty*’, especially pp. 187-197.

<sup>114</sup> Montesquieu, *Spirit of the Laws*, XI.6 p. 166.

where the law was placed above men, for which the government must only be the minister of the sovereign.<sup>115</sup> The division of executive and legislative powers was crucial to preserving the republic by ensuring that tyranny does not ensue, which would be the case if either the government or sovereign attempted to usurp the power of the other. Moreover, Rousseau thought that liberty involved not being dependent on the will of other men; dependence on the law being the only form of dependence compatible with liberty in the social order.<sup>116</sup> A free state, then, was one governed by law and not by men, and Rousseau reformulated the classical republican idea that a free man is one who lives under laws to which he consents in his account of the moral freedom of the citizen who obeys only a law that he has prescribed for himself.<sup>117</sup> So far this may all seem to correspond quite closely with many republican accounts of political liberty.<sup>118</sup> However, Rousseau's vision of what republican liberty entailed is one that proves challenging for the prospects of securing such liberty in modern states. To this extent John Pocock's description of Rousseau as 'the Machiavelli of the eighteenth century' is most apposite, 'in the sense that he dramatically and scandalously pointed out a contradiction that others were trying to live with.'<sup>119</sup>

The contradiction that Rousseau pointed out with respect to securing republican liberty concerned the problems with squaring a notion of freedom that pertains to each individual citizen with the republican notion of a free state. Traditionally, for republicans, a free state was one governed by laws to which the people consent, paradigmatically understood in contradistinction to a state governed by the arbitrary will of an absolute monarch or a tyrant. Concomitantly, a free man consented to the laws under which he lived, in contrast to a slave who exemplifies living in dependence on the will of other men. Living under an absolute monarch, so republicans claimed, was therefore always akin to living in slavery; to be a free man presupposed living in a free state. However, the more challenging problems for republican theorists regard how the consent and freedom of the people taken as a whole relate to the consent and freedom of the individuals that constitute the people. If to be free is to consent to the laws by which one is governed, then to what extent and by what means does each individual have to consent to the laws of the state for the individual's liberty to be realised? Or, in other words, does each individual need to participate actively in the legislative power in order to be free? By simply emphasising the contrast between free states and arbitrary monarchies these questions might be elided, yet they were questions that Rousseau confronted directly and his answers carry problematical implications for the prospects of realising republican liberty in any modern state. Most prominent amongst the challenges that Rousseau's thought raises is the idea

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<sup>115</sup> Rousseau, *Social Contract*, CW4:153/ OC3:379-380. Elsewhere Rousseau confirmed that the magistrates in government are only the ministers and not the arbitrators of the laws, *Letters from the Mountain*, CW9:261/ OC3:842.

<sup>116</sup> Rousseau, *Emile*, CW13:216-217/ OC4:311.

<sup>117</sup> Rousseau, *Social Contract*, CW4:142/ OC3:365.

<sup>118</sup> More generally see Viroli, *Rousseau and the 'well-ordered society'*, pp. 153-156; Spitz, *La Liberté Politique*, pp. 341-427; Kylmäkoski, *The Virtue of the Citizen*, pp. 171-194.

<sup>119</sup> Pocock, *The Machiavellian Moment*, p. 505.

that sovereignty could never legitimately be represented, for citizens could only be free from the dependence on the will of other men if they were all equally and directly members of the sovereign body. In Book III, Chapter XV of the *Social Contract* Rousseau thus famously argued that

The English people thinks it is free. It greatly deceives itself; it is free only during the election of the members of Parliament. As soon as they are elected, it is a slave, it is nothing. Given the use made of these brief moments of freedom, the people certainly deserves to lose it.<sup>120</sup>

This argument was probably set out with Montesquieu's praise of the English constitution in mind,<sup>121</sup> although Montesquieu was not alone in taking England as the model of political liberty.<sup>122</sup> The reason that Rousseau thought that the English people were not free is that by appointing representatives to the sovereign body the people had alienated their sovereignty. Anyone who was not directly involved in the legislative body would therefore be dependent on the will of the representatives; that is, on the will of other men. At this point it is well to note that seventeenth-century English republicans had primarily been concerned to assert the rights of Parliament as the representatives of the people against advocates of absolute monarchy. Although they claimed that for a state to be free its laws must be enacted with the consent of all the citizens, they also argued that the people should be represented in an elected assembly to legislate on its behalf.<sup>123</sup> Rousseau's arguments concerning representation, however, would appear to render any form of representative sovereignty antithetical to the liberty of the people, precisely because it establishes dependence on the will of other men. It is thus well to examine how central the argument against representatives was to Rousseau's account of republican liberty.

The extent to which Rousseau was committed by principle to rejecting representative sovereignty is a matter of some debate. One reason to doubt Rousseau's principled commitment is that in his recommendations for the government of Poland he took a more pragmatic approach, allowing for deputies in the legislative body. Rousseau was adamant, however, that this approach 'has its evil and its goods, but the evil outweighs the good.'<sup>124</sup> Poland was too large for direct legislation by the people, thus Rousseau was more concerned with how to ensure that the deputies would remain uncorrupted than with reforming the system in such a way that the

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<sup>120</sup> Rousseau, *Social Contract*, CW4:192/ OC3:430. Elsewhere, however, Rousseau conceded that the English 'are closer to freedom than all others [modern peoples].' *Social Contract*, CW4:139/ OC3:361.

<sup>121</sup> It was not only in *The Spirit of the Laws* that Montesquieu portrayed England as the model of political liberty; in his *Considerations on the Romans* (pp. 87-88) he also indicated his preference for the political liberty of England over Rome. For Rousseau, by contrast, Rome supplied the 'model of all free Peoples', *Second Discourse*, CW3:4/ OC3:113.

<sup>122</sup> Voltaire praised the liberty and division of powers in England in contrast with Rome, *Lettres Philosophiques* [1733], Eighth letter, pp. 54-57. Similarly, Burlamaqui praised the mixed form of government in England, *Principles of Political Law*, ii.ii.xxxviii.347.

<sup>123</sup> Skinner, *Liberty before Liberalism*, pp. 30-32.

<sup>124</sup> Rousseau, *Considerations on Poland*, CW11:189/ OC3:978.

people could be sovereign. If the corruption of the deputies could be averted then the general will may still be realised and the citizens could be free as the laws would still ‘have the internal assent of their will.’<sup>125</sup> It is also worth pointing out that Rousseau was writing for Poland as it was (not as it ought to have been constituted), where sovereignty did not reside in the people and was therefore no longer theirs to alienate. Rousseau noted his disapproval of the way in which the constitution of Poland and its legislative power had developed over time,<sup>126</sup> yet he thought that it was quite unique in not yet having become corrupt, hence he sought only the means to forestall any future corruption.

The contractual basis of the body politic was not central to Rousseau’s analysis of Poland and the work seems to imply that, even if only in rare circumstances, freedom could be preserved in states where there are representatives in the sovereign body as long as the general will prevails. In his seminal study on the topic, Richard Fralin thus argues that Rousseau was highly ambivalent towards representation and that his objections were mainly pragmatic, as is most evident from his analysis of Poland.<sup>127</sup> Similarly, Joshua Cohen maintains that Rousseau’s reasons for rejecting representative sovereignty were not ones of principle and that representation was not a matter of basic political right. On Cohen’s reading, Rousseau preferred democratic sovereignty because of its motivational force, as the actual process of participating in the legislative body might have a civic and educative effect that would lead citizens to will generally.<sup>128</sup>

Cohen’s argument about the educative effects of democratic sovereignty is convincing and coheres well with the importance that Rousseau attached to inculcating a level of civic virtue that would be necessary to secure the prevalence of the general will. However, the problem with maintaining that the objections to representative sovereignty were not ones of principle is, quite simply, that Rousseau consistently presented his argument as being one of principle. Indeed, Rousseau utilised the same principled argument when ridiculing the alleged liberty of the English as he had employed in Book II, Chapter I, entitled ‘That Sovereignty Is Inalienable’. Rousseau’s argument, on both occasions, was that sovereignty – being only the exercise of the general will – can only be represented by itself for the same reason that it cannot be alienated, that is, because the will is not capable of being transferred.<sup>129</sup> This argument, in turn, rested on the importance that Rousseau attached to the will in constituting man’s moral nature and providing the basis for any legitimate social order.<sup>130</sup> However, its importance has been vastly understated in analysis of Rousseau’s views on representation with, for example, Fralin stating that it ‘is either irrelevant or at best highly questionable as an argument against

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<sup>125</sup> Rousseau, *Considerations on Poland*, CW11:175/ OC3:961.

<sup>126</sup> Rousseau, *Considerations on Poland*, CW11:186/ OC3:975.

<sup>127</sup> Fralin, *Rousseau and Representation*, especially pp. 178-190 for discussion of the *Considerations on Poland*.

<sup>128</sup> Cohen, *Rousseau*, pp. 148-156.

<sup>129</sup> Rousseau, *Social Contract*, CW4:145, 192/ OC3:368, 429.

<sup>130</sup> See Chapter Three, ‘Sovereignty inverted’.

representation.<sup>131</sup>

Irrespective of whether or not one accepts Rousseau's argument, it was far from irrelevant to his purposes in demarcating the conditions requisite for a legitimate republican order. To be sure, taking Rousseau's principled argument against representative sovereignty in the *Social Contract* seriously does not help to resolve the tension with the *Considerations on Poland*, although it is well to remember that even in the latter work he permitted representatives only as a necessary evil. Moreover, it might be thought that if the argument against representative sovereignty was premised on metaphysical and moral assumptions about the nature of the will then it need not trouble other republican theorists, unless they also share Rousseau's metaphysical commitments. To some extent this point is valid, yet it is worth stressing that Rousseau's claims about the nature of the will were crucial in order for him to maintain that a Hobbesian account of sovereignty is illegitimate. Indeed it was only by insisting that the will cannot legitimately be transferred that Rousseau could show why a Hobbesian sovereign was incapable of representing the will of the people.

The paradigmatic contrast for republicans, to recall, was that between a free state where the law has the consent of the people (in whatever form they are represented) with a state governed by the arbitrary will of an absolute monarch. Hobbes's point, however, was that an absolute sovereign could represent the people as every individual irrevocably transfers his will to the sovereign; each individual thus consents to (and in *Leviathan* authorises) all of the sovereign's acts and laws.<sup>132</sup> Moreover, in *Leviathan* at least, the unity that constitutes a people – in contradistinction to a multitude – only exists once represented by the sovereign, to the extent that it is mistaken to speak of there even being a people prior to the instigation of the sovereign.<sup>133</sup> Rousseau's argument against Hobbes (and those who followed Hobbes in thinking that sovereignty could be alienated) was to insist that it is a property of the will's moral status that it cannot be transferred to another individual and therefore to transfer it irrevocably to another would always be illegitimate. The very reason why the people could not legitimately transfer this will to a single individual, such as a monarch, also precluded it being transferred to a body of individuals, such as a representative assembly. The will of the people (the general will) could only be represented by itself, thus sovereignty must always remain with the people as a collective body.

It is well to point out that this aspect of Rousseau's argument was only concerned with preserving the liberty of the people taken as a collective body, which would be lost if they transferred or alienated their will to another individual or group of individuals. The significance of Rousseau's claims regarding why will cannot be transferred, then, was less to do with preserving the liberty of individual citizens than with showing why the sovereignty of the people could only be represented by the people as a whole. For the liberty of each individual to

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<sup>131</sup> Fralin, *Rousseau and Representation*, pp. 11, 81-84.

<sup>132</sup> Hobbes, *De Cive*, V.7-9, *Cam.*72-73/ *Par.*144-145; *Leviathan*, p. 120.

<sup>133</sup> Hobbes, *Leviathan*, p. 114.

be retained it would also be imperative that each citizen comes to realise that every expression of the general will *qua* law is in fact an expression of his own will. Only then could each citizen truly be said to consent to the laws and obey only a law that he has prescribed for himself.<sup>134</sup> However, the idea that sovereignty always remains with the people does not resolve the problem of representation altogether, since it remains necessary for the sovereign to represent itself in the legislative body. Rousseau's argument for how this could be accomplished rests on premises about the equality rather than the liberty of citizens.<sup>135</sup> The representation of the people by itself must preserve the moral and legitimate equality that is established by the social contract, which would only be the case if all the citizens had to assemble for the legislative body to pass laws. Rousseau claimed that, in entering the social contract, although each citizen 'gives himself to all, he gives himself to no one... since there is no associate over whom one does not acquire the same right one grants him over oneself'.<sup>136</sup> Each citizen must have an equal right within the legislative body, which could only be the case if sovereignty remained democratic and each citizen's vote counted equally. A system of representatives within the sovereign body, by contrast, would violate this moral and legitimate equality as the representatives would have a greater share of the legislative right than the other citizens.

On Rousseau's analysis, representative sovereignty would violate both the inalienability of the people's will taken as a collective body and the equality that must be preserved amongst the citizens within the legislative body as the moral and sovereign branch of the state. He maintained that this moral equality was necessary for liberty to flourish, insisting on the importance of 'equality because freedom cannot last without it'.<sup>137</sup> This close relationship between liberty and equality is a persistent theme within the republican tradition, from Machiavelli's argument that republics were only suited to states where there was 'notable equality' and that inequality would render republics short-lived,<sup>138</sup> to Pettit's claim that to 'want republican liberty, you have to want republican equality'.<sup>139</sup> For Rousseau, dependence on the will of other men could only ever be rooted out of the social order if all citizens were equally dependent on the law as the expression of the general will of the people. Moreover, according to Rousseau, the equality of dependence on the law further required equality of legislative right amongst the citizens, as any inequality of legislative right would reintroduce dependence on the will of those with greater right.<sup>140</sup> Only if both equality under the law (*qua* general will) and

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<sup>134</sup> See at greater length Chapter Three, 'Freedom preserved', where the problem of how Rousseau thought this could be consistent with majority voting is discussed.

<sup>135</sup> On this point see also Simpson, *Rousseau's Theory of Freedom*, pp. 78-81.

<sup>136</sup> Rousseau, *Social Contract*, CW4:139/ OC3:361.

<sup>137</sup> Rousseau, *Social Contract*, CW4:162/ OC3:391.

<sup>138</sup> Machiavelli, *Discourses* [1531], I.55, pp. 243-248.

<sup>139</sup> Pettit, *Republicanism*, p. 126.

<sup>140</sup> In the *Social Contract* Rousseau seems to have taken it for granted that if there was any inequality of legislative right then dependence on the will of men (as opposed to dependence on the law) would resurface, most probably because he viewed dependence and inequality as so intrinsically linked. However, as suggested by his *Considerations on Poland*, the inequality of legislative right would not necessarily violate the equality of dependence under the law or prevent the general will from being

equality of legislative right were secured could the general will truly be ‘general in its object as well as in its essence... it should come from all to apply to all’.<sup>141</sup>

Given that Rousseau thought that the general will could prevail in Poland even with a system of deputies, the extent to which his criticisms of representative sovereignty should be taken to undermine any system of republican liberty remains an open question. However, it is important to stress that, for Rousseau, the principled objections to representative sovereignty were central to his arguments against a Hobbesian account of how the sovereign represents the will of the people. There are, of course, other non-Rousseauian reasons why it might be thought that a Hobbesian sovereign could never represent the will of the people,<sup>142</sup> yet it remains incumbent upon the republican theorist to show why, if a Hobbesian account of representation is illegitimate, any form of representation where sovereignty does not remain directly with the people can be legitimate. Rousseau’s somewhat disquieting answer was that it cannot.

Rousseau’s account of what is required for republican liberty challenges the prospects of realising such liberty in any modern state where representative sovereignty prevails. This conclusion should not appear all that surprising, since Rousseau insisted as early as the Dedication to the *Second Discourse* that liberty is only suitable for certain peoples:

For freedom is like those solid and rich foods or those hearty wines, which are proper to nourish and fortify robust constitutions habituated to them, but which overpower, ruin, and intoxicate the weak and delicate who are unsuited for them.<sup>143</sup>

In the *Social Contract* Rousseau thought that Corsica was the only state in eighteenth-century Europe capable of receiving good laws, and in his proposals for the Corsicans he recommended that they preserve the agricultural basis of their economy precisely because commerce is incompatible with liberty.<sup>144</sup> The *Social Contract* was equally written for those few remaining free peoples who were yet to lose their liberty, hence Rousseau implored them to ‘remember this maxim: Freedom can be acquired, but it can never be recovered.’<sup>145</sup> Principal amongst such states was his home city of Geneva,<sup>146</sup> and it is well to note that when Rousseau spoke of the liberty of the ‘people’ and the ‘citizens’ he probably therefore only had a minority of the inhabitants of a well-ordered republic in mind.<sup>147</sup>

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realised.

<sup>141</sup> Rousseau, *Social Contract*, CW4:149/ OC3:373.

<sup>142</sup> For example, John Locke famously employed natural law constraints to claim that as man can never have an absolute right over his own person (being the property of God), he could never transfer an absolute right to another, *Two Treatises*, II.23, p. 284.

<sup>143</sup> Rousseau, *Second Discourse*, CW3:4/ OC3:112-113.

<sup>144</sup> Rousseau, *Constitution for Corsica*, CW11:127/ OC3:905.

<sup>145</sup> Rousseau, *Social Contract*, CW4:158/ OC3:385.

<sup>146</sup> Rousseau, *Letters from the Mountain*, CW9:233/ OC3:809; Rosenblatt, *Rousseau and Geneva*, pp. 241-268. Although at times Rousseau wrote as if liberty had already been lost in Geneva: ‘Nothing is more free than your legitimate government; nothing is more servile than your actual state.’ *Letters from the Mountain*, CW9:237/ OC3:813. On Rousseau’s engagement with contemporary Genevan politics in the *Letters from the Mountain* see Whatmore, ‘Rousseau and the Représentants’.

<sup>147</sup> See Rosenfeld, ‘Rousseau’s Unanimous Contract’. In a footnote to the *Social Contract* Rousseau



Rousseau's thoughts on what republican liberty requires are not only of interest because they appear to render its attainment too demanding for modern states, but also because he occupies an important place in the way that competing traditions of liberty are often presented and understood in modernity. Pettit has sought to distance his conception of republican liberty from populist misunderstandings of the concept, which he suggests are based on some readings of Rousseau.<sup>148</sup> However, this misunderstanding of republican liberty, if it is such, appears to have been prominent well before Rousseau, as both Hobbes and Montesquieu criticised those who conflated liberty and power and thus associated liberty only with democracies. In turn, Rousseau appears to have developed some of his own ideas concerning what liberty involves in response to Montesquieu's discussion of political liberty and praise of the English constitution. Indeed, Rousseau may have been pivotal in consolidating the populist interpretation of republican liberty given that he maintained that sovereignty must always remain with the people. Yet it is well to stress that, for Rousseau at least, this conclusion was simply the consequence of seriously examining what is required in order to place the law above man and to root out all dependence on the will of men from the social order.

Rousseau's ideas were largely misappropriated for rhetorical ends in the French Revolution, yet his perceived influence may well have had some bearing on the reasons why the populist interpretation of republican liberty came under such attack in the revolution's wake. It was this conception of liberty that Benjamin Constant famously thought inappropriate for modern times, when he argued – echoing Hobbes and Montesquieu – that the 'abbé de Mably, like Rousseau and many others, had mistaken, just as the ancients did, the authority of the social body for liberty'.<sup>149</sup> This is an important point, as it indicates that Constant's modern liberty was not set out in opposition to a conception of liberty as non-domination but rather to a conception of liberty as popular sovereignty. The same could also be said of Isaiah Berlin's famous distinction between positive and negative liberty. For Berlin, the French Revolution was characterised by 'an eruption of the desire for 'positive' freedom of collective self-direction', with Rousseau's words serving as inspiration. According to Berlin, it was the association between liberty and sovereignty exemplified in the revolution to which Constant and other nineteenth-century liberals were opposed, leading them to insist on the importance of negative liberties.<sup>150</sup> Rousseau's understanding of what republican liberty required, then, may have inspired the fervor for what Berlin termed positive liberty in the French Revolution. The implications of these points for the way that competing traditions of liberty are understood merit further consideration, but first it is well to examine the other concept central to Rousseau's

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praised d'Alembert for realising that Geneva is constituted by four orders of men, only one of which consists of citizens. Citizens, by definition for Rousseau, were only those who participate in the sovereign body, *Social Contract*, CW4:139/ OC3:361-362. As Rosenblatt notes, in the middle of the eighteenth century the citizen body of Geneva consisted of only 1,500 men out of the approximately 18,500 inhabitants in the city, *Rousseau and Geneva*, p. 18.

<sup>148</sup> Pettit, *Republicanism*, p. 30.

<sup>149</sup> Constant, 'The Liberty of the Ancients', *PW*, p. 318.

<sup>150</sup> Berlin, 'Two Concepts of Liberty', pp. 208-212.

republican vision, that is, civic virtue.

### **Rousseau and republican virtue**

Rousseau thought that republican liberty could only be preserved if the citizens remained virtuous. A well-ordered republic could only be sustained if the general will prevailed over any competing private wills, thus virtue required that man's private will be brought into conformity with the general will.<sup>151</sup> Rousseau's recommendations for ensuring that republican virtue flourished, however, were no less demanding than his account of the conditions requisite for citizens to be free and for the law to be placed above men. These recommendations are well viewed in relation to Montesquieu and the French republican tradition outlined previously.

Arguably Rousseau's greatest debt to Montesquieu was the importance that he placed on the relationship between the government and the mores of the people, thus in *Emile* he wrote that the 'necessary relations between morals and government have been so well expounded in the book *The Spirit of the Laws* that one can do no better than have recourse to this work to study these relations.'<sup>152</sup> Rousseau followed Montesquieu in thinking that public education was crucial for preserving political virtue in republics, and he equally agreed that such virtue was only the characteristic of ancient peoples and had been largely lost in modern states. Indeed the complaint at the heart of Rousseau's earliest political writings is well encapsulated by Montesquieu's comment that the political men of antiquity who 'lived under popular government recognised no other force to sustain it than virtue. Those of today speak to us only of manufacturing, commerce, finance, wealth, and even luxury.'<sup>153</sup>

The all important difference between Montesquieu's and Rousseau's political thought, however, was that Montesquieu deemed political virtue superfluous for modern states and instead embraced commercial society. For Rousseau, by contrast, this was an uninspiring possibility, appropriate only for those already corrupted by luxury and inequality. Moreover, where Montesquieu had claimed that political virtue was only the principle of republics, Rousseau maintained that 'the same principle ought to apply to every well-constituted State'.<sup>154</sup> If the only legitimate states were those in which the people remained sovereign then it was imperative that republican virtue flourish amongst them. The passions and mores that prevailed in modern commercial states were thus incompatible with a legitimate republican order.

Rousseau – much like his contemporaries Mably and Helvétius – took ancient Sparta as the model of republican virtue and offered a Spartan inspired critique of modern *doux commerce* theory. This is evident as early as his *First Discourse*, in which he compared Sparta with Athens

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<sup>151</sup> Rousseau, *Political Economy*, CW3:149/ OC3:252.

<sup>152</sup> Rousseau, *Emile*, CW13:661/ OC4:850-851.

<sup>153</sup> Montesquieu, *Spirit of the Laws*, II.3, pp. 22-23.

<sup>154</sup> Rousseau, *Social Contract*, CW4:174/ OC3:405.

and sided decisively with the former.<sup>155</sup> Rousseau's praise of Sparta, in turn, provoked criticism from defenders of commercial society, with Claude-Nicolas Lecat insisting that 'all the laws of Sparta aimed at barbarism, at ferocity rather than virtue... How many great men we would have lost if we were as Barbaric as the Spartans!'<sup>156</sup> Where the *doux commerce* theorists repudiated the austere militaristic mores of Sparta – which they associated with barbarism rather than with virtue – Rousseau repeatedly turned to Sparta to illustrate the conditions necessary for preserving love of fatherland and rendering citizens virtuous. In *Emile*, then, the model male citizen is portrayed as Pedarethus, who runs for the council of three hundred and upon defeat is delighted to realise that there were three hundred men worthier than himself in Sparta. Similarly, the model female citizen is the mother who gives thanks to the Gods for Sparta's victory in war, even though her sons were all killed during the battle.<sup>157</sup> More generally, Rousseau's admiration of Sparta inspired his recommendations for inculcating virtue amongst the citizens in the few remaining states in eighteenth-century Europe where republican institutions remained viable.

Central to Rousseau's praise of Sparta was the idea that all luxury had been averted and consequently the inflamed individualistic passions that permeate modern commercial societies had not developed. Rousseau's proposals for republics such as Corsica and Poland, then, drew on lessons from Sparta and were intended to prevent the development of vice in modern societies that he had recounted in the *Second Discourse*. If modern commerce and luxury were the source of man's corruption then it was imperative that the onset of commerce be forestalled. Instead the economy of a well-ordered republic should ideally be based on agriculture.<sup>158</sup> The problem with commerce of any sort is that it leads to the taste for money developing, which extinguishes love of fatherland as citizens strive only after their own wealth and not the glory of the republic.<sup>159</sup> Rousseau thus opposed all systems of finance, insisting that the use of money should be kept to an absolute minimum and be held in contempt, to the extent that everyone 'must live and no one get rich. This is the fundamental principle of the nation's prosperity'.<sup>160</sup>

To ensure that the taste for wealth does not develop, Rousseau recommended keeping private property to a minimum, covering only the necessities of life and preventing individuals from accumulating more than they need. The property of the state should therefore be as great and strong as possible and that of the citizens as weak and small as possible.<sup>161</sup> Rousseau had long argued that everything 'beyond physical necessity is a source of evil',<sup>162</sup> and the economic systems that he proposed for republics were designed with a view to preventing the accumulation of individual wealth that breeds luxury. The government must ensure equality, or

<sup>155</sup> Rousseau, *First Discourse*, CW2:9/ OC3:12-13.

<sup>156</sup> Lecat, *Refutation by an Academician*, p. 153.

<sup>157</sup> Rousseau, *Emile*, CW13:164/ OC4:249.

<sup>158</sup> Rousseau, *Constitution for Corsica*, CW11:139/ OC3:920.

<sup>159</sup> Rousseau, *Constitution for Corsica*, CW11:136/ OC3:916.

<sup>160</sup> Rousseau, *Constitution for Corsica*, CW11:142/ OC3:924; see also *Social Contract*, CW4:192/ OC3:429; *Considerations on Poland*, CW11:209-211/ OC3:1003-1005.

<sup>161</sup> Rousseau, *Constitution for Corsica*, CW11:148/ OC3:931.

<sup>162</sup> Rousseau, *Final Reply*, CW2:128/ OC3:95.

at least minimal inequality, and in the long run this could only be achieved through the preservation of sound mores rather than by sumptuary laws or taxation. To this end Rousseau thought that statutory labour would be preferable to a system of taxation.<sup>163</sup>

Rousseau was adamant that such economic systems would only ever be suitable for small republics and were inappropriate for larger territories.<sup>164</sup> Moreover, such republics would only prosper providing that citizens remained active and laborious. It was therefore crucial that citizens have little leisure time left to themselves, and what time they have free from working would be well spent engaging in public festivities and games that honour the virtuous and kindle the citizens' sense of community. The example to be followed was that provided by Lycurgus:

He ceaselessly showed [the people] the fatherland in its laws, in its games, in its home, in its loves, in its festivities. He did not leave it a moment of relaxation to be by itself, and from that continuous constraint, ennobled by its object, was born in it that ardent love of fatherland that was always the strongest or rather the only passion of the Spartans, and which made of them beings above humanity.<sup>165</sup>

The festivals proposed for republics would be opposed to modern art and leisure forms, such as the theatre, of which Rousseau greatly disapproved.<sup>166</sup> In the theatre men only applaud the imitation of virtue. The great passions inspired by virtue would be reserved for the theatre alone and by enjoying them there men would cease to practice them in their actual lives. For Rousseau, genuine passions must be directed towards the public interest and the glory of the fatherland, which would only be achieved through Spartan style public games and festivals where honour was prized and only genuine virtue – and not the imitation thereof – was displayed:

Thus did that Sparta, which I shall never have cited enough as the example that we ought to follow, recall its citizens by modest festivals and games without pomp... It is at Sparta that, in laborious idleness, everything was pleasure and entertainment; it is there that the harshest labours passed for recreations and that small relaxations formed a public instruction; it is there that the citizens, constantly assembled, consecrated the whole of life to amusements which were the great business of the State and to games from which they relaxed only for war.<sup>167</sup>

Rousseau's admiration of Sparta as the model of republican virtue was in marked contrast to his depiction of modern societies. Where the modern arts and sciences are born of men's vices such as idleness, republican festivities should be based on the citizens' virtues, their laboriousness and civic spirit. Where commerce and finance render men's passions individualistic and corrupt, an agricultural society could instead engender general passions amongst the citizens that would

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<sup>163</sup> Rousseau, *Constitution for Corsica*, CW11:149/ OC3:932.

<sup>164</sup> Rousseau, *Constitution for Corsica*, CW11:150/ OC3:933; *Considerations on Poland*, CW11:183/ OC3:970.

<sup>165</sup> Rousseau, *Considerations on Poland*, CW11:172/ OC3:957.

<sup>166</sup> On this point more generally see Trachtenberg, *Making Citizens*, pp. 193-200.

<sup>167</sup> Rousseau, *Letter to d'Alembert*, CW10:349/ OC5:122.

sustain love of fatherland. To be sure, Rousseau did not think that all hope was lost if the lessons from Sparta could not be applied in modern states. Writing with Geneva in mind, Rousseau insisted that ‘Ancient Peoples are no longer a model for modern ones’; Genevans are neither Romans nor Spartans but are rather ‘Merchants, Artisans, Bourgeois, always occupied with their private interests... for whom even liberty is only a means for acquiring without obstacle and for possessing in safety.’<sup>168</sup> Yet this was not to praise Geneva, rather it was the development of commerce, wealth and the influence of modern art forms in the city that Rousseau thought was leading to moral decay and needed to be averted. Nonetheless, Rousseau still held out some hope for Geneva, for where the inhabitants of larger modern commercial states like France were irredeemably corrupt, it remained the case that ‘the Genevan is naturally good, he has a decent soul, he does not lack sense and he needs only good examples in order to be turned entirely to the good.’<sup>169</sup>

Even if some hope remained for Geneva despite the commercial basis of its economy, it is important to stress that Rousseau viewed his political proposals as only being applicable to societies yet to feel the full force of modern commerce and luxury. Rousseau was adamant that as soon as society had been infected by the onset of luxury there was no turning back, since the taste for wealth and money profoundly changes the nature of man’s passions by giving them an individualistic bent that renders genuine love of fatherland unattainable. Rousseau’s proposals for inculcating civic virtue were necessarily ill-suited for modern states; indeed he went as far as to claim that these ‘two words, *fatherland* and *citizen*, should be effaced from modern languages.’<sup>170</sup>

From his earliest works Rousseau insisted that ‘once a people has been corrupted, it has never been seen to return to virtue’,<sup>171</sup> and down to his last autobiographical writings he affirmed that what he proposed ‘had been intended only for small republics’.<sup>172</sup> Rousseau offered no solace for modern corrupt societies, since his political proposals were never intended for those states where commerce, luxury and inequality were rife.<sup>173</sup> At his most cynical and in response to the suggestion that sumptuary laws could root out the evil of luxury once established, Rousseau thus remarked: ‘I am not unaware of the fact that when a man is dead there is no point calling Doctors.’<sup>174</sup>

Rousseau’s account of republican virtue is one that proves incompatible with modern

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<sup>168</sup> Rousseau, *Letters from the Mountain*, CW9:292-293/ OC3:881.

<sup>169</sup> Rousseau, *Letter from Rousseau to the Comte de Tressan* [1755], CW5:554/ CC3:243.

<sup>170</sup> Rousseau, *Emile*, CW13:165/ OC4:250.

<sup>171</sup> Rousseau, *Observations*, CW2:53/ OC3:56; *Preface to Narcissus*, CW2:196/ OC2:971-972.

<sup>172</sup> Rousseau, *Dialogues*, CW1:213/ OC1:935. To be sure, in his typology of the forms of government Rousseau recognised that different forms are best suited to different states depending on their size and other factors, *Social Contract*, CW4:181-182/ OC3:414-415. However, this led Rousseau to distinguish between ‘free States and monarchies’ and he nowhere indicated how his republican proposals could be applied in any state larger than Poland.

<sup>173</sup> Although most scholars have taken Rousseau as an unequivocal critic of modern commercial societies, some have accorded him a more moderate position. For a critical overview of the debate see Mendham, ‘Enlightened Gentleness as Soft Indifference’.

<sup>174</sup> Rousseau, *Letter to M. the Abbé Raynal, Author of the Mercury of France* [1751], CW2:26/ OC3:33.

commercial republicanism, since he viewed the prevalence of virtue and onset of luxury as being necessarily antithetical. Given the centrality that Rousseau accorded to the role of virtue in preserving a well-ordered republic and ensuring that the general will prevails, this appears to render his whole republican vision obsolete in modernity. To suggest that Rousseau's republican vision is obsolete, however, is not to say the same about his republican critique of commercial society; a critique to which its defenders – most notably Adam Smith – felt obliged to respond.<sup>175</sup> Yet this response was all the more necessary given that Rousseau's own political proposals did not constitute a possibility for modern states once beset with luxury. Indeed Rousseau was arguably far more pessimistic about the prospects for republics than his contemporaries in Switzerland or France,<sup>176</sup> a point that is well brought out by comparison with the Abbé de Mably, who was confident about the prospects for republican advancement in Europe and offered a programme for how to overthrow absolutism and replace it with a constitutional monarchy.<sup>177</sup> To this extent Benjamin Constant was quite right to view Mably rather than Rousseau as the intellectual inspiration for the French Revolution,<sup>178</sup> since although they both eulogised the republics of antiquity, it was only Mably who thought that classical republican ideas could be recovered in modern states such as eighteenth-century France.

### Modern republicanism

One of the aims of this chapter has been to evaluate whether or not Rousseau's republican thought could serve as inspiration for contemporary political theorists. If the interpretation advanced thus far is accurate then there are at least two perhaps insurmountable problems with trying to apply Rousseau's ideas to modern states. First, in the *Social Contract* at least, Rousseau argued that a legitimate social order was incompatible with representative sovereignty; instead sovereignty must always remain directly with the people. Even if elsewhere in his *œuvre* he conceded that representatives may be a necessary evil, he remained pessimistic about the chances of the general will prevailing in states where sovereignty had been alienated. Second, Rousseau thought that the development of inequality and luxury that permeated modern commercial societies was incompatible with sustaining republican virtue amongst the citizens. Given that the prevalence of virtue would be crucial in order for citizens to will generally, it is far from evident how a republican polity along the lines Rousseau proposed could remain well-ordered and survive without virtue. It is often quite rightly thought that Rousseau's vision of a pre-agricultural golden age where small societies of savages lived together in harmony presents

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<sup>175</sup> See Force, *Self-Interest before Adam Smith*; Hanley, 'Commerce and Corruption'; Rasmussen, *Problems and Promise of Commercial Society*.

<sup>176</sup> Kapossy thus argues that Rousseau was not a typical Swiss republican, since he was neither typically Swiss nor typically republican, *Iselin contra Rousseau*, pp. 305-307.

<sup>177</sup> Baker, *Inventing the French Revolution*, pp. 86-106; Wright, *The Political Thought of Mably*, especially pp. 105-109, 132-141.

<sup>178</sup> Constant, 'The Liberty of the Ancients', *PW*, p. 318.

a lost ideal that modern man is unable to recover. In the few remaining city states of eighteenth-century Europe Rousseau may have retained a glimmer of hope that his republican proposals could still be of some application. Today, however, Rousseau's republican vision – much like his vision of the golden age – seems irrecoverably lost.

Liberals and modern republicans alike, then, should be wary of drawing on Rousseau in support of their own political theories. More specifically, it is problematical to claim Rousseau as one of the 'big names' in a modern republican tradition,<sup>179</sup> precisely because the form of republicanism that he extolled was distinctively anti-modern. For different reasons Montesquieu's position within this tradition is also questionable. Where Rousseau's republicanism was not modern, Montesquieu's proposals for modern states were not distinctively republican. Indeed, when the eighteenth-century French context is examined, republicanism appears in a very different light to that cast by its modern proponents.

The form of modern republicanism expounded by Philip Pettit stresses the centrality of a distinctively republican conception of liberty as non-domination. This understanding of liberty is presented in contrast to the supposedly liberal conception of liberty as non-interference. On Pettit's account, the liberal conception finds its origin in Hobbes's polemics against seventeenth-century English republicans, which then lay dormant until the turn of the nineteenth century when it resurfaced to eclipse the republican conception. The liberal conception is exemplified in Constant's modern liberty and Berlin's negative liberty, thus the republican conception is presented in opposition to this 'Berlin-Constant framework'.<sup>180</sup> This way of characterising contrasting liberal and republican traditions has become a subject of much recent scholarly debate,<sup>181</sup> to which the findings of the present chapter speak.

The foregoing analysis goes some way to disentangling the conception of liberty as non-domination from a distinctively republican tradition of thought. In part, this involves re-evaluating the precise nature of the challenge that Hobbes posed to republicanism. Rather than having opposed a republican conception of liberty as non-domination, Hobbes is better understood as having contested an understanding of liberty as popular sovereignty. This is the view that he attributed to the 'democratical gentlemen', who he thought had mistakenly concluded that there is more liberty in democracies than in monarchies. Arguably the most important aspect of Hobbes's analysis of the liberty of subjects, then, was to break the link between the form of government under which subjects live and the amount of liberty that they enjoy. To be sure, Hobbes's redefinition of liberty certainly served his polemical ends, but it also introduced an important analytical distinction by separating questions regarding the extent of liberty from questions about the form of government under which one lives. In this respect, at

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<sup>179</sup> Pettit, *Republicanism*, p. 19.

<sup>180</sup> Pettit, *Republicanism*, pp. 18, 27, 50. Similarly, Skinner traces the origins of the liberal conception of negative liberty through Hobbes, Constant and Berlin, *Liberty before Liberalism*, pp. 60, 113-116.

<sup>181</sup> For a recent sample see Dijn, *French Political Thought*; Ghosh, 'From Republican to Liberal Liberty'; Kalyvas & Katznelson, *Liberal Beginnings*; Rogers, 'Republican confusion and liberal clarification'; Spector, 'Four Conceptions of Freedom'.

least, Berlin followed in Hobbes's footsteps, for one of the central purposes of his famous essay was to distinguish the question of what liberty is from the question of what political institutions might be necessary to realise such liberty in any given state.<sup>182</sup> Similarly, he sought to disentangle liberty from other concepts that might be of value, since, for philosophical purposes at least, 'nothing is gained by a confusion of terms... liberty is liberty, not equality or fairness or justice or culture, or human happiness or a quiet conscience.'<sup>183</sup> By contrast, for Pettit at least, the republican conception of liberty is meant to be all-encompassing, so that liberty as non-domination is the only value that needs to be pursued and such liberty cannot be understood abstracted from the political institutions under which it may be secured.<sup>184</sup>

Examination of the eighteenth-century French context also demonstrates that the idea of liberty as non-domination was not central to the republican debates of the time. To the extent that Montesquieu's conception of political liberty can be understood in terms of non-domination, the association between liberty as non-domination and republicanism is actually severed. For Montesquieu, there was nothing distinctively republican about this conception of liberty, which could be found in any moderate government, be it monarchical or republican. What is more, Montesquieu reiterated Hobbes's criticisms of those who too readily associated liberty with democracies for having confused liberty with power. The idea that both Hobbes and Montesquieu deemed mistaken – that liberty entails the sovereignty of the people in the legislative body – was later affirmed by Rousseau, this being for him the consequence of trying to refute a Hobbesian theory of representation whilst rooting out all dependence on the will of others from the social order by placing the law above man. It was this conception of freedom as popular sovereignty to which Constant's modern liberty was set out in opposition. Indeed Constant's modern liberty – so far from being opposed to a conception of liberty as non-domination – entailed that every individual has 'the right to be subjected only to the laws,' free from 'the arbitrary will of one or more individuals',<sup>185</sup> for which some influence on the administration of government (political liberty) was an indispensable guarantee.<sup>186</sup>

To characterise rival liberal and republican traditions around either an adherence to or a rejection of liberty as non-domination thus appears misguided, at least with respect to Constant and the eighteenth-century debates to which he responded. Yet this is not to say that examination of the pre-revolutionary French context serves only to obfuscate any differences between republican and liberal traditions; rather the pertinent differences re-emerge from a

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<sup>182</sup> Berlin, 'Two Concepts of Liberty', pp. 176-178. Berlin thus claimed that there was arguably a greater sphere of negative liberty in the Prussia of Frederick the Great or the Austria of Joseph II than under many democracies throughout history.

<sup>183</sup> Berlin, 'Two Concepts of Liberty', p. 172.

<sup>184</sup> For example, Pettit claims that when 'the leaders of the French Revolution spoke of freedom, equality, and fraternity, they do not have to be seen as going beyond the traditional republican ideal of freedom alone... the only value that we need see them as espousing is the value of freedom as such', *Republicanism*, p. 125.

<sup>185</sup> Constant, 'The Liberty of the Ancients', *PW*, p. 310.

<sup>186</sup> Constant, 'The Liberty of the Ancients', *PW*, p. 323.



contrasting perspective with arguably greater clarity.<sup>187</sup> Viewed from this perspective the dividing line between the two traditions falls on their respective attitudes towards the place of commerce, luxury and political virtue in modern states, and, more starkly, on the question of whether or not lessons drawn from the republics of antiquity could and should be applied in eighteenth-century Europe. On one side of the debate, the austere militaristic virtue of ancient Sparta provided inspiration for a critique of the luxury, inequality and individualism rife in modern states. On the other side, (proto-liberal) arguments were deployed in defence of commerce's tendency to turn man's individualistic passions to good use and to procure both gentle (*doux*) mores amongst the people and peace between states. The famous quarrel between the ancients and moderns is often thought to have peaked around the turn of the eighteenth century, yet its political manifestations shaped much French thought in the century thereafter. Indeed the idea that there is a deep irreconcilability between ancient and modern forms of politics permeates the work of thinkers from Montesquieu through Rousseau to Constant.

This characterisation of rival liberal and republican traditions is tentative at best; that it captures well important elements of pre-revolutionary French debates is not to suggest that it should be extended any further. Liberal and republican traditions may appear quite differently and less antagonistically when viewed from elsewhere in eighteenth-century Europe or America. Nonetheless, one virtue of viewing contrasting republican and liberal traditions from this perspective is that it elucidates the context for understanding the form of liberalism that Constant advanced towards the beginning of the nineteenth century, pre-occupied as he was with understanding the French Revolution. Constant thought that the spirit of the ancients was characterised by war and usurpation, whereas that of the moderns was characterised by commerce. Different forms of liberty were thus appropriate to ancient and modern peoples, and in modern times he thought it imperative that individual liberty is not sacrificed in the name of ancient liberty.<sup>188</sup> For Constant, the failure to appreciate this served in large part to explain the Jacobin Terror. Constant's liberty of the moderns, then, was set out against a republican understanding of liberty, but it was an ancient republican idea of liberty as popular sovereignty rather than an idea of liberty as non-domination.

The analysis of Constant, in turn, serves to shed some light on Berlin's account of positive and negative liberty, although it is well to stress that he did not associate these conceptions with competing republican and liberal traditions. Berlin was concerned to trace the historical development of the two divergent conceptions of liberty to the point when they came into direct conflict with one another.<sup>189</sup> It was Constant, according to Berlin, who most clearly saw and expressed this conflict in the wake of the French Revolution by stressing that the notion of the sovereignty of the people confused authority with liberty.<sup>190</sup> For Berlin, the difference

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<sup>187</sup> See also Wright, *The Political Thought of Mably*, pp. 199-211.

<sup>188</sup> Constant, 'The Liberty of the Ancients', *PW*, p. 321.

<sup>189</sup> Berlin, 'Two Concepts of Liberty', pp. 178-179.

<sup>190</sup> Berlin, 'Two Concepts of Liberty', pp. 209-210; Constant, 'The Liberty of the Ancients', *PW*, p. 318.

between negative and positive liberty rested on ‘two profoundly divergent and irreconcilable attitudes to the ends of life’; advocates of the former ‘want to curb authority as such’, those of the ‘latter want it placed in their own hands.’<sup>191</sup> Nineteenth-century liberals, for Berlin, were those who stressed the (necessarily limited) priority of the former over the latter; in this respect, if not many others, Berlin’s negative and positive conceptions of liberty map on to Constant’s modern and ancient liberty.<sup>192</sup> On Berlin’s reading of nineteenth-century liberalism, the conception of liberty to which liberals were opposed was not one understood in terms of non-domination, but rather one understood in terms of the sovereignty or authority of the people, which ran through Rousseau into the French Revolution. To present a distinctively republican conception of liberty as non-domination in contradistinction to a distinctively liberal conception based on a ‘Berlin-Constant framework’ is therefore bound to mislead, since it misconstrues the dichotomies with which both Constant and Berlin were concerned.

The type of challenges that the present chapter has raised for modern republicanism are not just historical in character. If analysis of pre-revolutionary French thought challenges the coherence of a certain historical narrative regarding rival republican and liberal traditions, attention to Hobbes and Rousseau poses more specific problems with trying to realise republican ideals in modern states. Hobbes’s challenge to republicanism, on the present reading, was firstly in claiming that the idea of placing the law above men is ill-conceived, since all legislative power is by definition arbitrary; and, secondly, in arguing that the liberty of the subjects in a commonwealth is determined by the extent of the laws and not the subjects’ influence in determining those laws. By contrast, Rousseau’s challenge to republicanism, by way of advocate, was in arguing that the conditions requisite for republican liberty and virtue to flourish are deeply irreconcilable with modern commercial society. Challenges for modern republicans, then, are to be found as much from within as from outside of the tradition upon which they draw.

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<sup>191</sup> Berlin, ‘Two Concepts of Liberty’, p. 212.

<sup>192</sup> Berlin is often taken to have followed Constant’s distinction between two forms of liberty, which may seem odd given that Berlin’s definition of negative liberty in terms of non-interference is quite different from Constant’s description of modern liberty as absence from the arbitrary will of other individuals. The similarities between their two positions are arguably better explained, however, by their perspectives on the relationship between liberty and authority.

## Conclusion

*Let no one say that I have said nothing new: the arrangement of the material is new. When playing tennis, both players hit the same ball, but one of them places it better.<sup>1</sup>*

For Rousseau scholars there is something consoling about Pascal's *pensée*. Given the voluminous scholarship that exists on Rousseau it might initially seem very difficult to say anything new. Yet in many respects the challenge that scholars are presented with is one of arranging his ideas – that so often appear disparate and disjointed – into some sort of system or coherent order, which Rousseau maintained existed throughout his *œuvre*. Or, if this proves untenable, to at least expose the contradictions and tensions that ultimately render Rousseau's work incoherent, even if the extent of these remained unbeknown to the author himself. To say something new about Rousseau, then, is frequently to arrange his ideas in such a way that elucidates hitherto neglected aspects of his thought and presents a different picture of his philosophy to those that abound in the extant scholarship. The hope, at least, is to capture something of Rousseau that is both true to his thought and has been missed previously.

Rousseau was often concerned to defend his work against the charge of contradiction, yet at the same time he was quite happy to admit that he was a man of paradox. Paradoxes, for Rousseau, were not logical anomalies in thought but rather ideas that countered those commonly held; in this respect they are best understood in contradistinction to prejudices.<sup>2</sup> The reading developed throughout this thesis supports Rousseau's own conclusion, he was certainly a paradoxical thinker in the way that he understood the term. Given this, one way of approaching his thought is to recognise the extent to which it does not map onto the sets of ideas with which either his contemporaries or modern scholars often work. This is true with respect to both the historical context within which Rousseau's writings should be situated and the conceptual interplay of certain ideas central to his thought. By way of conclusion, then, these may each be considered in turn.

### Rousseau's engagement with Hobbes in context

The aim of this thesis has been to provide a comprehensive examination of Rousseau's engagement with Hobbes, but not an exhaustive one. To note that it is inexhaustive is, in one respect, to do no more than recognise the naivety of assuming that any piece of scholarship can pretend to have the final say on a subject of such enduring interest. More specifically, however, there is at least one topic that has attracted some attention amongst scholars that has not been addressed in any depth here. That is, Rousseau's response to Hobbes in the *State of War*, and the

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<sup>1</sup> Pascal, *Pensées*, 575, p. 132.

<sup>2</sup> Rousseau, *Letter to Beaumont*, CW9:81/ OC4:1004; *Emile*, CW13:226/ OC4:323; O'Hagan, 'Taking Rousseau Seriously', pp. 84-85.

implications that it carries for their respective theories of international relations. Much has been written on this elsewhere and the present analysis of the two thinkers has little of note to add.<sup>3</sup> Yet, this exception aside, the aim has been to explore all of the other main avenues where there is evidence that Hobbes influenced Rousseau.

If it is as important to report what one's research fails to find as much as what it hopes to have established, then it is well to point out that it is far harder to discern Hobbes's direct influence on Rousseau than might be expected. Indeed most of the evidence that Rousseau read any of Hobbes's works is confined to the *Second Discourse*. Most notably, there is very little evidence to indicate conclusively whether or not Rousseau read anything apart from *De Cive*, assumedly in Samuel Sorbière's French translation. This is an important conclusion in itself given the temptation to compare Rousseau's *Social Contract* with Hobbes's *Leviathan*, for it should not be assumed that Rousseau read *Leviathan*, rather the burden of proof falls on revealing him to have done so. More generally, the foregoing analysis has shown that Hobbes's influence on Rousseau was more frequently an indirect one. Rousseau was certainly familiar with Hobbesian ideas, but it is often difficult to ascertain whether this familiarity was derived from reading Hobbes's texts or from intermediary sources.

One reason that discerning Hobbes's direct influence proves difficult is precisely because of his considerable indirect influence on much French political thought during the first half of the eighteenth century. This is largely due to the significance of Pufendorf at the time, since he was arguably the most widely invoked authority on matters political, perhaps rivalled only by Montesquieu. For example, via Barbeyrac's French editions of the most important modern natural law treatises, Pufendorf's influence found its way into the political controversies that engulfed Geneva during the 1750s and into the political entries in the *Encyclopédie*. Pufendorf both adopted many Hobbesian ideas and also set out much of his own thought in opposition to Hobbes, and the same could be said of many of his followers in the mid-eighteenth century, such as Burlamaqui. It is thus with the modern natural law context in mind, more than any other, that Rousseau's engagement with Hobbes should be situated.

Once the prominence of both Hobbesian ideas and criticisms of Hobbes in eighteenth-century French political thought is recognised, it comes as less of a surprise that Rousseau's engagement with Hobbes and Hobbism was so deeply polemical. Rousseau sought to collapse the prevalent bifurcation between Hobbesian Epicureanism and Pufendorfian sociability in order to show that the accounts of the state of nature, social pact and sovereignty offered by Hobbes's critics remained indebted to a Hobbesian vision of politics. In particular, for Rousseau, they all rested on erroneously presenting man's condition without civil laws as miserable and all developed accounts of the social pact that entailed man alienating his God-given freedom to a quasi-Hobbesian sovereign. It was not simply the case that some of the most important ideas in

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<sup>3</sup> See principally Roosevelt, *Rousseau in the Nuclear Age*, pp. 34-39; Tuck, *The Rights of War and Peace*, pp. 202-207.

Rousseau's *Second Discourse* and *Social Contract* were directed against Hobbes, then, since they were further set out in order to show that Hobbes's natural law critics were in fact no better than Hobbes.

Closely related to the natural law context was that of *doux commerce* theory, in which modern commerce and luxury were justified due to their tendency to relieve man of his otherwise miserable and barbaric state. These arguments were made in response to Rousseau's *First Discourse* and his replies, in turn, culminated in the *Second Discourse*. To claim that commercial society was required to remedy man's barbarism was, according to Rousseau, implicitly to accept the Hobbesian account of the state of nature. Only if man was naturally inclined to competition and conflict would commerce be justified by its ability to turn such individualistic passions to good use. By adopting a Hobbesian picture of the state of nature, the *doux commerce* theorists had got the cause and effect the wrong way around. On Rousseau's account, commercial society was the cause of man's inflamed passions, not their remedy.

The polemical nature of Rousseau's invocations of Hobbes has not previously been examined in any depth, thus the present findings provide the first comprehensive exploration into this relatively neglected field. It is sometimes thought that Rousseau's critique missed the point of Hobbes's philosophy and to some extent this criticism is valid. However, it in turn rests on missing the point of Rousseau's critique of Hobbes, which was as much about revealing the pervasive influence of Hobbes's ideas on the political thought of the time as it was about showing Hobbes's texts to be mistaken. To this end, Rousseau inverted the ways that Hobbes's ideas were often presented by aligning them with positions to which they were commonly thought to be opposed. If the cost of doing so was to miss some of the nuances of Hobbes's argument, it was a cost well worth paying to further Rousseau's polemical ends.

At the beginning of this thesis it was claimed that the problem hovering over much scholarship on Hobbes and Rousseau – never having been adequately resolved – is neatly encapsulated by Richard Tuck's question: what exactly did Rousseau think he was doing?<sup>4</sup> Rousseau only invoked Hobbes explicitly on a few occasions, but the invocations were of some significance and were carefully chosen. The short answer to Tuck's question then, by way of summary, is that Rousseau thought that he was showing that many of his contemporaries were far more Hobbesian than they would have ever admitted, whilst at the same time setting his own thought out in opposition to both.

To stress the polemical force of Rousseau's engagement with Hobbes is not to suggest that there were no deep philosophical disagreements between the two thinkers. Indeed two of these disagreements have been emphasised throughout the thesis: their contrasting accounts of human nature and their respective positions on the question of free will. What is more, it would not be too great an overstatement to suggest that many of the most important differences in their respective political philosophies can be traced back to their opposing accounts of the nature of

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<sup>4</sup> Tuck, 'Pitié', *Lectures*, p. 25.

man and of the will. With this in mind, it is worth reviewing some of the broader philosophical interest in examining the two thinkers together.

### Oppositions and affinities

Rousseau's principle that man is naturally good was employed in order to show that the misery of man's modern existence – which Hobbes had confused with man's natural state – was only a contingent result of the development of certain types of social relations and institutions. Just as importantly, man's modern state was not a necessary consequence of all social institutions. Rousseau thought that the view of political or commercial society endorsed in different ways by Hobbes, Pufendorf and the *doux commerce* theorists, ultimately rested on a post-lapsarian account of man's nature and passions. Rousseau, however, found such political possibilities degrading and, repudiating this picture of human nature, instead proposed a republican vision for the naturally good man. Where Hobbes's political philosophy commenced by positing men driven by inflamed individualistic passions, Rousseau's political thought was largely concerned with forestalling the onset of such passions (even if he sometimes indicated that the necessity for political institutions does not arise until such passions have developed).<sup>5</sup> Rousseau's account of man's nature thus allowed for a different political possibility to that entertained by Hobbes, precisely because it was a politics for the naturally good man, based on cultivating his pre-lapsarian passions prior to their corruption by modern commercial society. Indeed if today Rousseau's critique of commercial society seems to incriminate us all, then it is for the very same reason that his political proposals cease to be a possibility.

As well as showing that man's mortal state is not naturally sinful and vicious, Rousseau also thought that nature itself was in need of justification, since the likes of Hobbes and those who followed him had supposedly besmirched nature and denied its rights. Pufendorf has been described as having held a 'non-purposeful conception of nature',<sup>6</sup> and the same could equally be said of Hobbes, or at least of his ideas as they were understood in much eighteenth-century French thought. In contrast to the positivism and conventionalism associated with Hobbism, Rousseau maintained that nature provided a transcendent normative standard, with which the social order would have to conform. The idea that what is good and just must be in accordance with the nature of things is a Ciceronian one, found also in thinkers such as Burlamaqui.<sup>7</sup> Yet Rousseau's conception of nature also appealed to a notion of order that reflected the influence of other sources, since for man's life to be in accordance with nature he would have to enjoy a harmonious and ordered existence, free from the contradictions that cause human misery.

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<sup>5</sup> If this tension seems insurmountable, it is one of which Rousseau appears to have at least been aware, hence why he thought it virtually impossible to find a people capable of receiving good laws, *Social Contract*, CW4:162/ OC3:390-391.

<sup>6</sup> Saastamoinen, *The Morality of the Fallen Man*, p. 119.

<sup>7</sup> Burlamaqui, *Principles of Natural Law*, ii.v.xi.172.

Rousseau's ideas on the importance of order are sometimes taken to be primarily political, reflecting the classical republican heritage of his thought.<sup>8</sup> However, as was often the case, Rousseau appears to have assimilated ideas from a number of contexts in a complementary manner to support his own position. One was the neo-Augustinian view that the disorder of man's passions characterised man's post-lapsarian state, an idea which informed both Rousseau's secularised recasting of the fall in the *Second Discourse* and his account of ordering the passions in the body politic. The notion of order was also central to Rousseau's metaphysical commitments and theodicy, and in this respect the influence of Malebranche was considerable.<sup>9</sup> Indeed Rousseau followed both Malebranche and Leibniz in arguing that there is a harmony and order in the world and, even if man is unable to recognise this, everything is 'regular in the eyes of nature'.<sup>10</sup>

The idea that Rousseau succumbed to a Hobbesian account of natural right that characterises modern political thought rests on attributing to him a purely scientific and descriptive understanding of nature.<sup>11</sup> Yet Rousseau's conception of nature involved a strong normative dimension, supplying a transcendent standard that informed much of his philosophy, including his political thought. Moreover, for Rousseau, defending the rights of nature further entailed stressing the inalienability of man's two God-given gifts of nature: his life and freedom. Where Hobbes had made self-preservation the principle of the right and laws of nature, Rousseau insisted on man's freedom as being equally important, since it is only free will that renders man a moral and spiritual being in contradistinction to physical beings such as animals. In his political philosophy Rousseau thus employed a distinction between moral and physical force – premised on free will constituting man's moral nature – that was unavailable to those who endorsed Hobbesian, materialist metaphysics. Where Hobbes's political theory was concerned with preserving man's life, Rousseau's was concerned with both man's life and freedom, and this difference is largely explained by their competing metaphysical commitments.

The importance of free will in Rousseau's political thought cannot be understated. His criticisms of illegitimate contracts rested on man having alienated his free will, and his own theory of the social pact was intended to preserve (and generalise) this freedom in the social body. If free will had not been an inalienable gift of nature, then the philosophical basis of Rousseau's criticisms of Hobbesian accounts of the social pact would be undermined and his own rival theory rendered unnecessary. For better or worse, it is often now thought that political philosophers need not commit on such problems and that a coherent theory of justice as 'political not metaphysical' may be expounded.<sup>12</sup> Examination of Hobbes and Rousseau, however, serves to suggest how much is at stake in political philosophy regarding such

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<sup>8</sup> See Viroli, 'The concept of *ordre*'.

<sup>9</sup> Riley, *The General Will Before Rousseau*, pp. 181-250.

<sup>10</sup> Rousseau, *Letter to Voltaire*, CW3:112-113/ OC4:1064-1065.

<sup>11</sup> See principally Strauss, *Natural Right and History*, especially pp. 266-274. C.f. Cooper, *Rousseau, Nature and the Problem of the Good Life*; Marks, 'Rousseau and Rousseauism'.

<sup>12</sup> Rawls, 'Justice as Fairness: Political not Metaphysical'.

metaphysical questions. Where Hobbes scholars have recently stressed that his political thought cannot be detached from his materialism,<sup>13</sup> the present interpretation similarly lends support to the argument that Rousseau's metaphysics and belief in free will grounded much of his political philosophy.<sup>14</sup>

In addition to highlighting the importance of nature and free will as themes central to Rousseau's philosophy, this thesis has also sought to show how they interplay with one another and, in addition, how both are related to a third theme: the passions. Examination of how these three themes interweave throughout Rousseau's thought is particularly important, given that otherwise his ideas on nature and free will are liable to be misunderstood. With respect to nature, it is important to emphasise that Rousseau did not consider there to be anything unnatural about the passions in themselves and did not think that the role of reason was to overcome the passions. Indeed Rousseau echoed the prevalent Augustinian criticism of the Stoics when he claimed that to want to destroy the passions would be 'to control nature, it is to reform the work of God.'<sup>15</sup> Much as it is problematical to read Rousseau as a Stoic in this sense,<sup>16</sup> it is similarly so to read him as a forerunner of Kant in privileging reason over the passions in human understanding.<sup>17</sup> Concomitantly, the Kantian idea that freedom entails acting from reason alone presupposes the permanence of a conflict between reason and the passions that is absent from Rousseau's philosophy.

Those who have taken the role of free will seriously in Rousseau's thought have tended to read the concept through Kantian lenses and associate it with a strong sense of autonomy as self-mastery and self-legislation.<sup>18</sup> However, this results in a number of tensions arising once Rousseau's ideas on socialisation and education are taken into account,<sup>19</sup> which cultivate the passions of men in order to influence their wills. By contrast, the interpretation of Rousseau's conception of free will advanced throughout this thesis – based on the definition given in the *Second Discourse* – is that freedom comprises the consciousness of freely acquiescing in, resisting, or choosing between one's inclinations, to which the passions give rise. In this sense freedom is not associated with acting from reason over the passions as much as it is with choosing between the inclinations occasioned by the passions; this choice, or judgement, renders man an active and moral being. The role of the legislator, republican institutions and education in cultivating the citizens' passions could be quite compatible with the citizens' freedom, providing that citizens retain the consciousness of freely acquiescing in their

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<sup>13</sup> Brandon, *The Coherence of Hobbes's Leviathan*; Frost, *Lessons from a Materialist Thinker*. The antithesis to these accounts is most forcefully supplied by Strauss, who argues that Hobbes's materialist-deterministic theory 'actually imperils the very root of [his political] philosophy', *The Political Philosophy of Hobbes*, p. 168.

<sup>14</sup> See principally Williams, *Rousseau's Platonic Enlightenment*.

<sup>15</sup> Rousseau, *Emile*, CW13:362/ OC4:490-491.

<sup>16</sup> C.f. Roche, *Rousseau: Stoic and Romantic*, p. 73.

<sup>17</sup> C.f. Cassirer, *The Question of Jean-Jacques Rousseau*, p. 82.

<sup>18</sup> See principally Levine, *The Politics of Autonomy*, pp. 57-58.

<sup>19</sup> See Riley, *Will and Political Legitimacy*, p. 17.



inclinations. The freedom and virtue of the citizen, then, do not require a process of self-mastery that involves reason overcoming the passions. To be sure, this understanding of free will may not seem as robust as a Kantian conception, since it is compatible with a high level of socially determined will-formation. For Rousseau, however, it was simply a fact about social institutions that they always have an effect on shaping the will of men and, this being the case, the conception of free will that he sought to preserve was the only one that remained a possibility. The cultivation of the passions necessary to sustain a well-ordered republic was therefore quite consistent with Rousseau's conception of free will, even if not with a more strongly autonomous understanding of the concept.

To finish, it is perhaps well to return to the quote from which this thesis takes its title; Rousseau's claim that the problem of politics can only be resolved by either the most austere democracy or the most perfect Hobbism.<sup>20</sup> For Rousseau, either the law had to be placed completely above man or man completely above the law, otherwise the contradiction between the two would lead to the eventual decay of the body politic. The only way to place the law above man was if the people as a whole directly retained the legislative power and if the sovereign could only be represented by itself with the people freely assembled. Any other form of representative sovereignty, such as Hobbes's, would involve sovereignty being alienated or transferred, which, on Rousseau's principles, was always illegitimate. This is perhaps the interpretation of the quote that comes closest to Rousseau's intended meaning, but there is another way in which it might be read that speaks more generally to the relationship between Hobbes and Rousseau. If, as Rousseau suggested, Hobbes and Rousseau offer divergent answers to the problem of politics, then it should first be granted that they both understood the nature of the problem with which they were grappling in similar terms. This is an apt note on which to conclude, for Rousseau's problems were, in many important respects, ones of a fundamentally Hobbesian nature. Both thinkers were in agreement that the problems of politics stem from the disorder of men's individualistic passions and, consequently, that such problems cannot simply be remedied by appeals to abstract principles of political right discerned by reason alone. For both Hobbes and Rousseau, politics must appeal to the passions of men in order to show them their interest in being just. What is more, for both thinkers this could only be achieved if social institutions could educate citizens in such a way as to re-orientate their passions to secure the unity of the body politic. This at once proves to be the source of much of the perennial intrigue and disquiet that reading each thinker occasions.

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<sup>20</sup> 'Rousseau à Mirabeau, le 26 juillet 1767', CC33:240.

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